

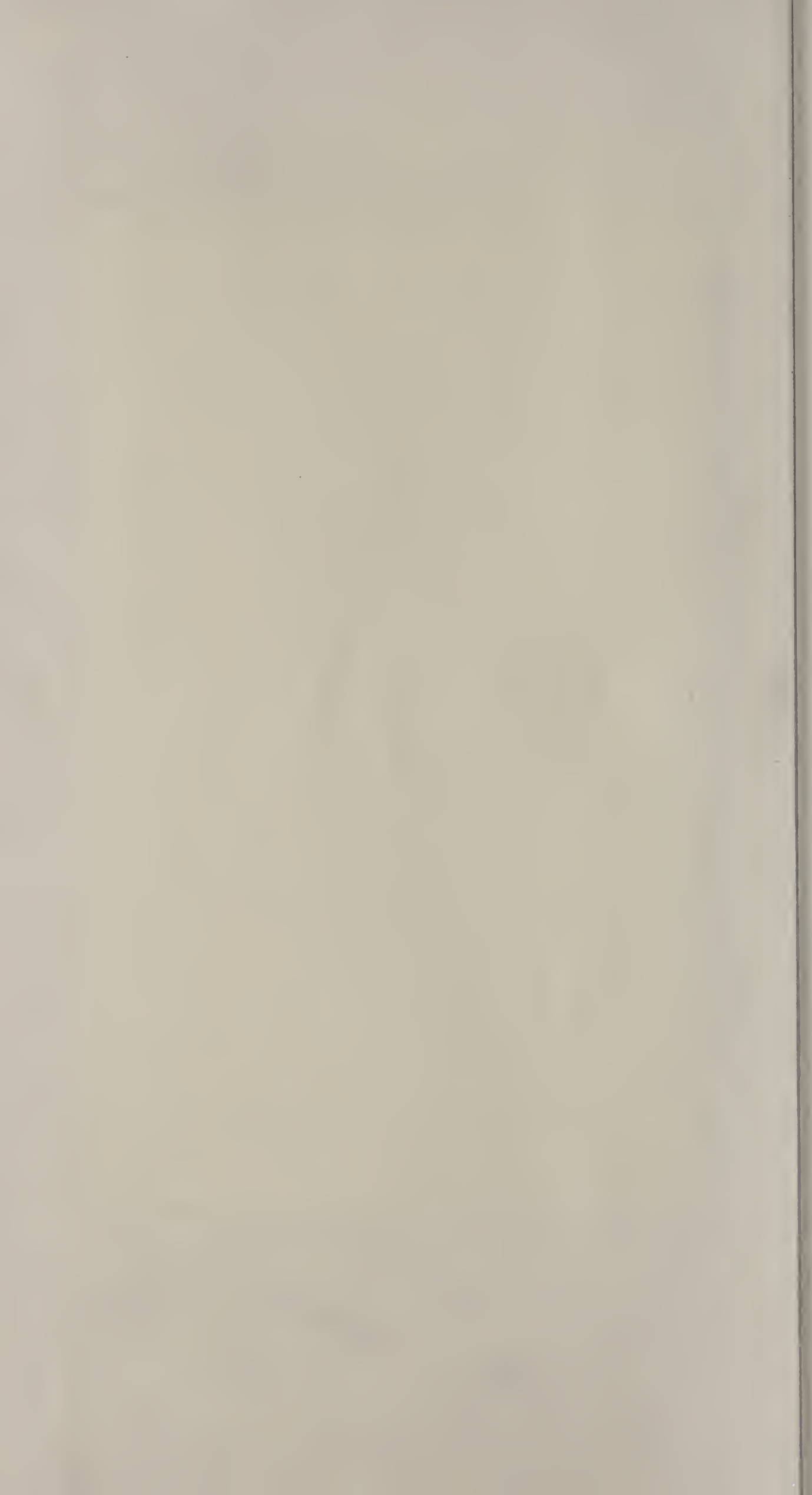
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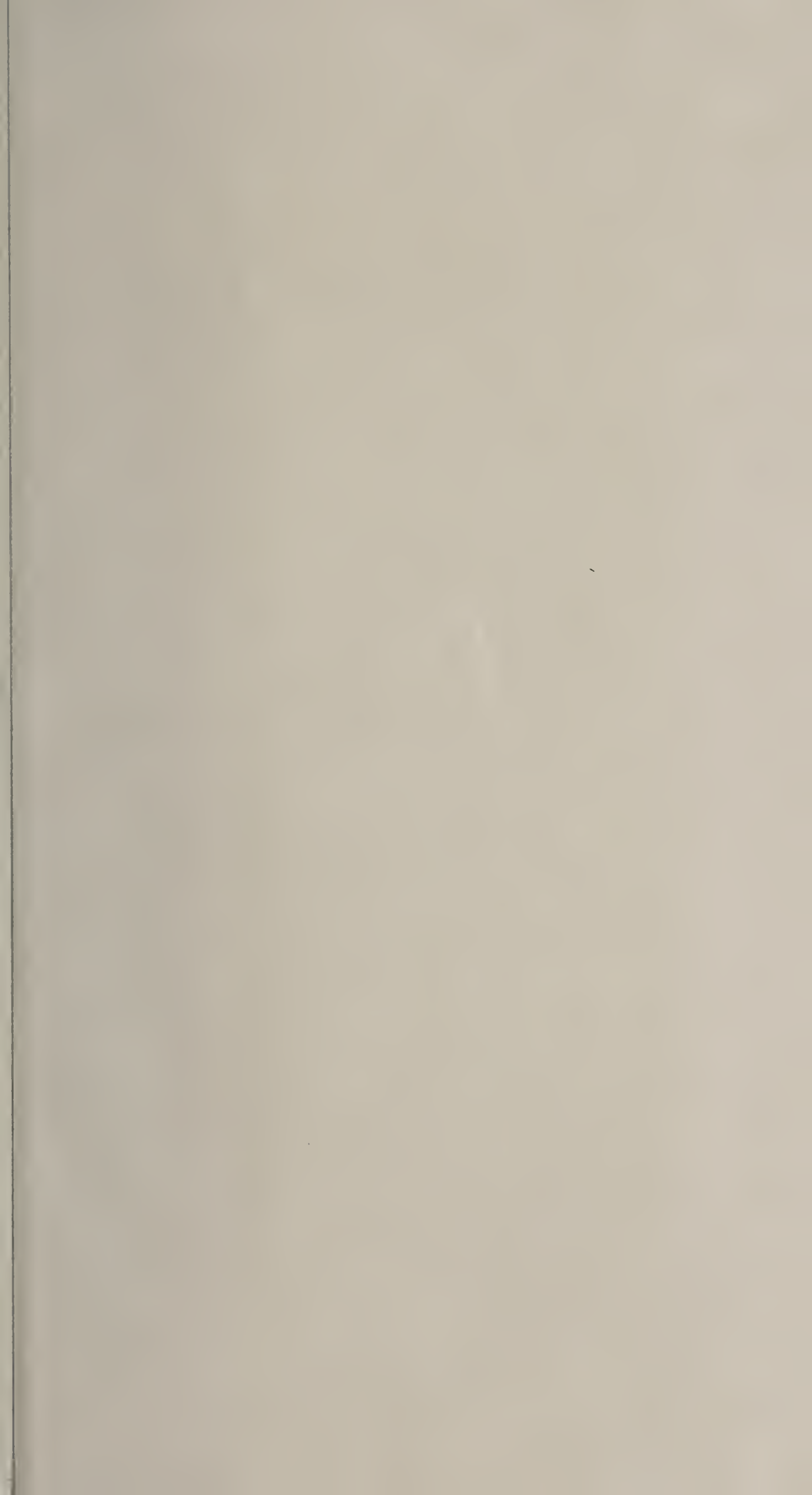
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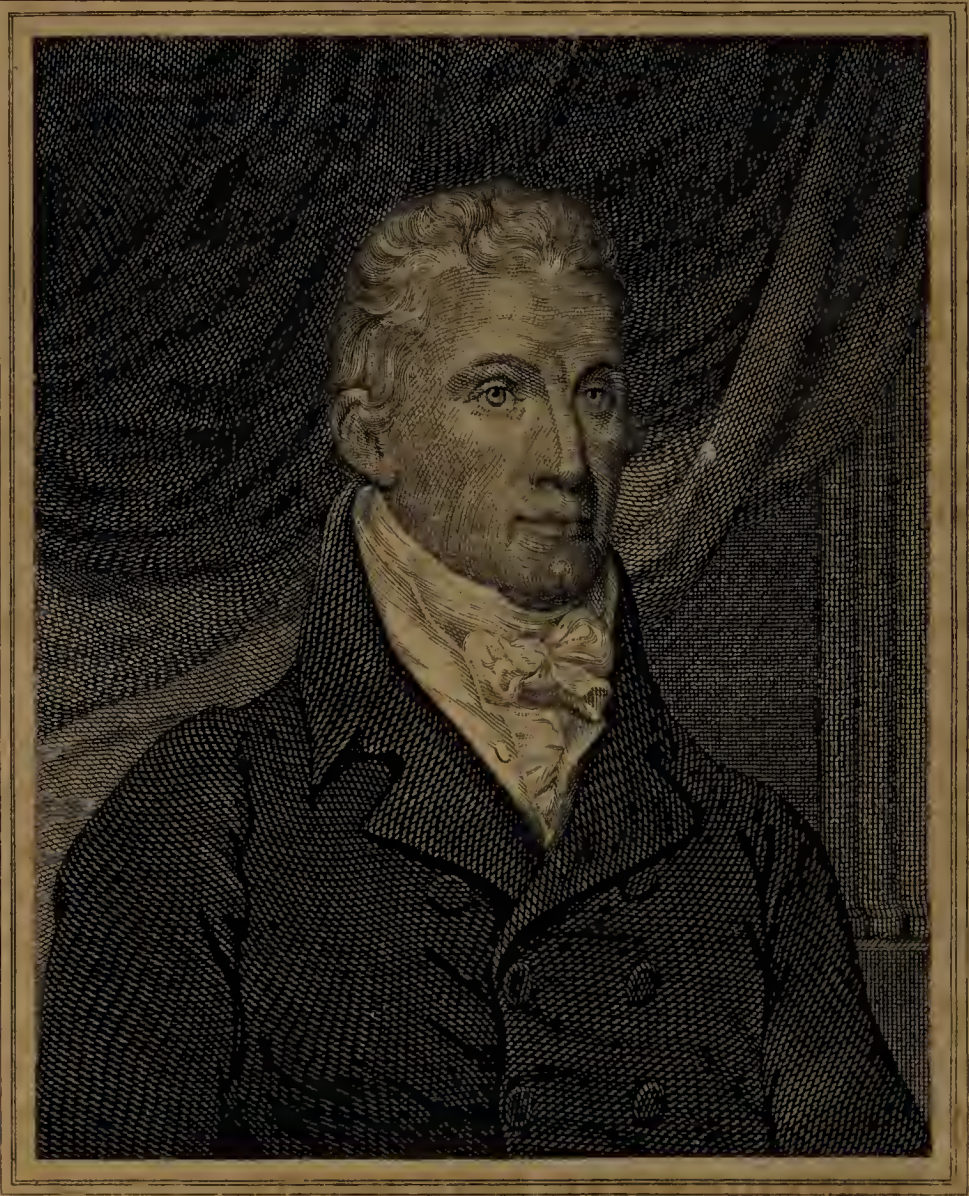
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JAMES MONROE.

STATE PAPERS
AND
PUBLIC DOCUMENTS

OF
THE UNITED STATES,

FROM THE
ACCESSION OF GEORGE WASHINGTON TO THE PRESIDENCY, EXHIBITING A COMPLETE VIEW OF OUR FOREIGN RELATIONS SINCE THAT TIME.

VOLUME XI.

THIRD EDITION.

PUBLISHED UNDER THE PATRONAGE OF CONGRESS.

INCLUDING

CONFIDENTIAL DOCUMENTS,

FIRST PUBLISHED IN THE SECOND EDITION OF THIS WORK.

BOSTON:

PRINTED AND PUBLISHED BY THOMAS B. WAIT.

1819.

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DISTRICT OF MASSACHUSETTS, TO WIT.

DISTRICT CLERK'S OFFICE.

BE it remembered, that on the first day of January, A. D. 1819, and in the forty-third year of the Independence of the United States of America, Thomas B. Wait, of the said district, has deposited in this office the title of a book, the right whereof he claims as proprietor, in the words following, to wit:

"State Papers and Publick Documents of the United States, from the accession of George Washington to the Presidency, exhibiting a complete view of our Foreign Relations since that time. Third edition. Published under the patronage of Congress. Including Confidential Documents, first published in the second edition of this work."

In conformity to the act of the Congress of the United States, entitled, "An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned:" and also to an act, entitled, "An act supplementary to an act, entitled, An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the arts of Designing, Engraving and Etching Historical, and other Prints."

JNO. W. DAVIS,
Clerk of the District of Massachusetts.

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MESSAGE

OF THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS. DEC. 3, 1815.

Fellow Citizens of the Senate,
and of the House of Representatives,

I HAVE the satisfaction, on our present meeting, of being able to communicate to you the successful termination of the war which had been commenced against the United States by the regency of Algiers. The squadron in advance on that service, under commodore Decatur, lost not a moment after its arrival in the Mediterranean, in seeking the naval force of the enemy then cruising in that sea, and succeeded in capturing two of his ships, one of them the principal ship, commanded by the Algerine admiral. The high character of the American commander was brilliantly sustained on the occasion, which brought his own ship into close action with that of his adversary, as was the accustomed gallantry of all the officers and men actually engaged. Having prepared the way by this demonstration of American skill and prowess, he hastened to the port of Algiers, where peace was promptly yielded to his victorious force. In the terms stipulated, the rights and honour of the United States were particularly consulted, by a perpetual relinquishment, on the part of the dey, of all pretensions to tribute from them. The impressions which have thus been made, strengthened as they will have been, by subsequent transactions with the regencies of Tunis and of Tripoli, by the appearance of the larger force which followed under commodore Bainbridge, the chief in command of the expedition, and by the judicious precautionary arrangements left by him in that quarter, afford a reasonable prospect of future security, for the valuable portion of our commerce which passes within reach of the Barbary cruisers.

It is another source of satisfaction that the treaty of peace with Great Britain has been succeeded by a con-

vention on the subject of commerce, concluded by the plenipotentiaries of the two countries. In this result a disposition is manifested on the part of that nation, corresponding with the disposition of the United States, which, it may be hoped, will be improved into liberal arrangements on other subjects, on which the parties have mutual interests, or which might endanger their future harmony. Congress will decide on the expediency of promoting such a sequel, by giving effect to the measure of confining the American navigation to American seamen; a measure which, at the same time that it might have that conciliatory tendency, would have the further advantage of increasing the independence of our navigation, and the resources for our maritime defence.

In conformity with the articles in the treaty of Ghent, relating to the Indians, as well as with a view to the tranquillity of our western and north-western frontiers, measures were taken to establish an immediate peace with the several tribes who had been engaged in hostilities against the United States. Such of them as were invited to Detroit acceded readily to a renewal of the former treaties of friendship. Of the other tribes who were invited to a station on the Mississippi, the greater number have also accepted the peace offered to them. The residue, consisting of the more distant tribes or parts of tribes, remain to be brought over by further explanations, or by such other means as may be adapted to the dispositions they may finally disclose.

The Indian tribes within, and bordering on the southern frontier, whom a cruel war on their part had compelled us to chastise into peace, have latterly shown a restlessness, which has called for preparatory measures for repressing it, and for protecting the commissioners engaged in carrying the terms of the peace into execution.

The execution of the act for fixing the military peace establishment, has been attended with difficulties which even now can only be overcome by legislative aid. The selection of officers; the payment and discharge of the troops enlisted for the war; the payment of the retained troops, and their re-union from detached and distant stations; the collection and security of the publick property in the quarter-master, commissary, and ordnance departments; and the constant medical assistance required in

hospitals and garrisons, rendered a complete execution of the act impracticable on the first of May, the period more immediately contemplated. As soon, however, as circumstances would permit, and as far as it has been practicable, consistently with the publick interests, the reduction of the army has been accomplished; but the appropriations for its pay and for other branches of the military service, having proved inadequate, the earliest attention to that subject will be necessary; and the expediency of continuing upon the peace establishment, the staff officers who have hitherto been provisionally retained, is also recommended to the consideration of Congress.

In the performance of the executive duty upon this occasion, there has not been wanting a just sensibility to the merits of the American army during the late war: but the obvious policy and design in fixing an efficient military peace establishment did not afford an opportunity to distinguish the aged and infirm, on account of their past services; nor the wounded and disabled, on account of their present sufferings. The extent of the reduction indeed unavoidably involved the exclusion of many meritorious officers of every rank from the service of their country; and so equal, as well as so numerous, were the claims to attention, that a decision by the standard of comparative merit, could seldom be attained. Judged, however, in candour, by a general standard of positive merit, the army register will, it is believed, do honour to the establishment; while the case of those officers, whose names are not included in it, devolves, with the strongest interest, upon the legislative authority, for such provision as shall be deemed the best calculated to give support and solace to the veteran and the invalid; to display the beneficence, as well as the justice, of the government; and to inspire a martial zeal for the publick service upon every future emergency.

Although the embarrassments arising from the want of an uniform national currency have not been diminished since the adjournment of Congress, great satisfaction has been derived in contemplating the revival of the publick credit, and the efficiency of the publick resources. The receipts into the Treasury, from the various branches of revenue, during the nine months ending on the 30th of September last, have been estimated at twelve millions

and a half of dollars; the issues of Treasury notes of every denomination, during the same period, amounted to the sum of fourteen millions of dollars: and there was also obtained upon loan, during the same period, a sum of nine millions of dollars; of which the sum of six millions of dollars was subscribed in cash, and the sum of three millions of dollars in Treasury notes. With these means, added to the sum of one million and a half of dollars, being the balance of money in the Treasury on the 1st of January, there has been paid, between the 1st of January and the 1st of October, on account of the appropriations of the preceding and of the present year, (exclusively of the amount of the Treasury notes subscribed to the loan, and of the amount redeemed in the payment of duties and taxes,) the aggregate sum of thirty-three millions and a half of dollars, leaving a balance then in the Treasury estimated at the sum of three millions of dollars. Independent, however, of the arrearages due for military services and supplies, it is presumed, that a further sum of five millions of dollars, including the interest on the publick debt payable on the 1st of January next, will be demanded at the Treasury to complete the expenditures of the present year, and for which the existing ways and means will sufficiently provide.

The national debt, as it was ascertained on the 1st of October last, amounted in the whole to the sum of one hundred and twenty millions of dollars, consisting of the unredeemed balance of the debt contracted before the late war, (thirty-nine millions of dollars,) the amount of the funded debt contracted in consequence of the war, (sixty-four millions of dollars,) and the amount of the unfunded and floating debt, (including the various issues of Treasury notes,) seventeen millions of dollars, which is in a gradual course of payment. There will, probably, be some addition to the publick debt, upon the liquidation of various claims, which are depending; and a conciliatory disposition on the part of Congress may lead honourably and advantageously to an equitable arrangement of the militia expenses, incurred by the several states, without the previous sanction or authority of the government of the United States: but when it is considered that the new, as well as the old, portion of the debt has been contracted in the assertion of the national rights and independence; and

when it is recollected, that the publick expenditures, not being exclusively bestowed upon subjects of a transient nature, will long be visible in the number and equipments of the American navy, in the military works for the defence of our harbours and our frontiers, and in the supplies of our arsenals and magazines; the amount will bear a gratifying comparison with the objects which have been attained, as well as with the resources of the country.

The arrangements of the finances, with a view to the receipts and expenditures of a permanent peace establishment, will necessarily enter into the deliberations of congress during the present session. It is true that the improved condition of the publick revenue will not only afford the means of maintaining the faith of the government, with its creditors inviolate, and of prosecuting, successfully, the measures of the most liberal policy; but will, also, justify an immediate alleviation of the burdens imposed by the necessities of the war. It is, however, essential to every modification of the finances, that the benefits of a uniform national currency should be restored to the community. The absence of the precious metals will, it is believed, be a temporary evil; but, until they can again be rendered the general medium of exchange, it devolves on the wisdom of Congress, to provide a substitute, which shall equally engage the confidence, and accommodate the wants, of the citizens throughout the union. If the operation of the state banks cannot produce this result, the probable operation of a National Bank will merit consideration; and, if neither of these expedients be deemed effectual, it may become necessary to ascertain the terms upon which the notes of the government (no longer required as an instrument of credit) shall be issued, upon motives of general policy, as a common medium of circulation.

Notwithstanding the security for future repose, which the United States ought to find in their love of peace, and their constant respect for the rights of other nations, the character of the times particularly inculcates the lesson, that, whether to prevent or repel danger, we ought not to be unprepared for it. This consideration will sufficiently recommend to Congress a liberal provision for the immediate extension, and gradual completion, of the works of defence, both fixed and floating, on our maritime frontier;

and an adequate provision for guarding our inland frontier against dangers to which certain portions of it may continue to be exposed.

As an improvement in our military establishment, it will deserve the consideration of Congress, whether a corps of invalids might not be so organized and employed, as at once to give support to meritorious individuals, excluded by age or infirmities, from the existing establishment, and to preserve to the publick, the benefit of their stationary services, and of their exemplary discipline. I recommend, also, an enlargement of the military academy, already established, and the establishment of others in other sections of the union. And I cannot press too much on the attention of Congress, such a classification and organization of the militia, as will most effectually render it the safeguard of a free state. If experience has shown in the recent splendid achievements of militia, the value of this resource for the publick defence, it has shown also the importance of that skill in the use of arms, and that familiarity with the essential rules of discipline, which cannot be expected from the regulations now in force. With this subject is intimately connected the necessity of accommodating the laws, in every respect, to the great object of enabling the political authority of the union, to employ, promptly and effectually, the physical power of the union, in the cases designated by the constitution.

The signal services which have been rendered by our navy, and the capacities it has developed for successful co-operation in the national defence, will give to that portion of the public force, its full value in the eyes of Congress, at an epoch which calls for the constant vigilance of all governments. To preserve the ships now in sound state ; to complete those already contemplated ; to provide amply the imperishable materials for prompt augmentations, and to improve the existing arrangements into more advantageous establishments, for the construction, the repairs, and the security of vessels of war, is dictated by the soundest policy.

In adjusting the duties on imports, to the object of revenue, the influence of the tariff on manufactures, will necessarily present itself for consideration. However wise the theory may be, which leaves to the sagacity and interest of individuals the application of their industry and

resources, there are in this, as in other cases, exceptions to the general rule. Besides the condition which the theory itself implies, of a reciprocal adoption by other nations, experience teaches that so many circumstances must concur in introducing and maturing manufacturing establishments, especially of the more complicated kinds, that a country may remain long without them, although sufficiently advanced, and in some respects even peculiarly fitted for carrying them on with success. Under circumstances giving a powerful impulse to manufacturing industry, it has made among us a progress, and exhibited an efficiency, which justify the belief, that with a protection not more than is due to the enterprising citizens whose interests are now at stake, it will become, at an early day, not only safe against occasional competitions from abroad, but a source of domestick wealth, and even of external commerce. In selecting the branches more especially entitled to the publick patronage, a preference is obviously claimed by such as will relieve the United States from a dependence on foreign supplies, ever subject to casual failures, for articles necessary for the publick defence, or connected with the primary wants of individuals. It will be an additional recommendation of particular manufactures, where the materials for them are extensively drawn from our agriculture, and consequently impart and insure to that great fund of national prosperity and independence, an encouragement which cannot fail to be rewarded.

Among the means of advancing the public interest, the occasion is a proper one for recalling the attention of Congress to the great importance of establishing throughout our country the roads and canals which can best be executed, under the national authority. No objects within the circle of political economy so richly repay the expense bestowed on them; there are none, the utility of which is more universally ascertained and acknowledged; none that do more honour to the governments whose wise and enlarged patriotism duly appreciates them. Nor is there any country which presents a field, where nature invites more the art of man, to complete her own work for his accommodation and benefit. These considerations are strengthened, moreover, by the political effect of these facilities for intercommunication, in bringing and binding

more closely together the various parts of our extended confederacy. Whilst the states, individually, with a laudable enterprise and emulation, avail themselves of their local advantages, by new roads, by navigable canals, and by improving the streams susceptible of navigation, the general government is the more urged to similar undertakings, requiring a national jurisdiction, and national means, by the prospect of thus systematically completing so inestimable a work. And it is a happy reflection, that any defect of constitutional authority, which may be encountered, can be supplied in a mode which the constitution itself has providently pointed out.

The present is a favourable season also for bringing again into view the establishment of a national seminary of learning within the district of Columbia, and with means drawn from the property therein subject to the authority of the general government. Such an institution claims the patronage of Congress, as a monument of their solicitude for the advancement of knowledge, without which the blessings of liberty cannot be fully enjoyed, or long preserved; as a model instructive in the formation of other seminaries; as a nursery of enlightened preceptors; and as a central resort of youth and genius from every part of their country, diffusing on their return examples of those national feelings, those liberal sentiments, and those congenial manners, which contribute cement to our union, and strength to the great political fabrick, of which that is the foundation.

In closing this communication, I ought not to repress a sensibility, in which you will unite, to the happy lot of our country, and the goodness of a superintending Providence to which we are indebted for it. Whilst other portions of mankind are labouring under the distresses of war, or struggling with adversity in other forms, the United States are in the tranquil enjoyment of prosperous and honourable peace. In reviewing the scenes through which it has been attained, we can rejoice in the proofs given, that our political institutions, founded in human rights, and framed for their preservation, are equal to the severest trials of war, as well as adapted to the ordinary periods of repose. As fruits of this experience, and of the reputation acquired by the American arms, on the land and on the water, the nation finds itself possessed of a growing respect

abroad, and of a just confidence in itself, which are among the best pledges for its peaceful career. Under other aspects of our country, the strongest features of its flourishing condition are seen, in a population rapidly increasing, on a territory as productive as it is extensive; in a general industry, and fertile ingenuity, which find their ample rewards; and in an affluent revenue, which admits a reduction of the publick burdens, without withdrawing the means of sustaining the publick credit, of gradually discharging the publick debt, of providing for the necessary defensive and precautionary establishments, and of patronizing, in every authorized mode, undertakings conducive to the aggregate wealth and individual comfort of our citizens.

It remains for the guardians of the publick welfare, to persevere in that justice and good will towards other nations, which invite a return of these sentiments towards the United States; to cherish institutions which guarantee their safety, and their liberties, civil and religious; and to combine with a liberal system of foreign commerce, an improvement of the national advantages, and a protection and extension of the independent resources of our highly favoured and happy country.

In all measures having such objects, my faithful co-operation will be afforded.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS. TRANSMITTING A COMMERCIAL CONVENTION WITH GREAT BRITAIN. DECEMBER 23, 1815.

I LAY before Congress copies of a proclamation notifying the convention concluded with Great Britain on the 3d day of July last, and that the same has been duly ratified: and I recommend to Congress such legislative provisions as the convention may call for on the part of the United States.

JAMES MADISON.

JAMES MADISON,

PRESIDENT OF THE UNITED STATES OF AMERICA,

To all and singular to whom these presents shall come, greeting :

WHEREAS a convention between the United States of America and his Britannick majesty, to regulate the commerce between the territories of the United States and of his Britannick majesty, was signed at London on the third day of July, in the year one thousand eight hundred and fifteen, by plenipotentiaries respectively appointed for that purpose, which convention is in the words following, to wit :

A CONVENTION

To regulate the commerce between the territories of the United States and of his Britannick Majesty.

THE United States of America and his Britannick Majesty being desirous, by a convention, to regulate the commerce and navigation between their respective countries, territories, and people, in such a manner as to render the same reciprocally beneficial and satisfactory, have respectively named plenipotentiaries and given them full powers to treat of and conclude such convention ; that is to say, the President of the United States, by and with the advice and consent of the Senate thereof, hath appointed for their plenipotentiaries John Quincy Adams, Henry Clay, and Albert Gallatin, citizens of the United States ; and his royal highness the Prince Regent, acting in the name and on behalf of his Majesty, has named for his plenipotentiaries the right honourable Frederick John Robinson, vice-president of the committee of privy council for trade and plantations, joint paymaster of his majesty's forces, and a member of the imperial parliament, Henry Goulburn, Esq. a member of the imperial parliament, and under secretary of state, and William Adams, Esq. doctor of civil laws ; and the said plenipotentiaries having mutually produced and shown their said full powers, and exchanged copies of the same, have agreed on and concluded the following articles, *videlicet* :

Art. 1. There shall be between the territories of the

United States of America and all the territories of his Britannick majesty in Europe, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty freely and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid to which other foreigners are permitted to come, to enter into the same, and to remain and reside in any parts of the said territories respectively; also to hire and occupy houses and ware-houses for the purposes of their commerce: and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively.

Art. II. No higher or other duties shall be imposed on the importation into the United States of any articles, the growth, produce, or manufacture of his Britannick majesty's territories in Europe, and no higher or other duties shall be imposed on the importation into the territories of his Britannick majesty in Europe of any articles, the growth, produce, or manufacture of the United States, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any higher or other duties or charges be imposed in either of the two countries, on the exportation of any articles to the United States or to his Britannick majesty's territories in Europe, respectively, than such as are payable on the exportation of the like articles to any other foreign country; nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture of the United States, or of his Britannick majesty's territories in Europe, to or from the said territories of his Britannick majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No higher or other duties or charges shall be imposed in any of the ports of the United States on British vessels, than those payable in the same ports by vessels of the United States; nor in the ports of his Britannick majesty's territories in Europe on the vessels of the United States than shall be payable in the same ports on British vessels.

The same duties shall be paid on the importation into the United States of any articles, the growth, produce, or

manufacture of his Britannick majesty's territories in Europe, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation into the ports of any of his Britannick majesty's territories in Europe of any article, the growth, produce, or manufacture of the United States, whether such importation shall be in British vessels or in vessels of the United States.

The same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of his Britannick majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States, or in British vessels; and the same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of the United States to his Britannick majesty's territories in Europe, whether such exportation shall be in British vessels, or in vessels of the United States.

It is further agreed, that in all cases where drawbacks are, or may be allowed upon the re-exportation of any goods, the growth, produce, or manufacture of either country, respectively, the amount of the said drawbacks shall be the same, whether the said goods shall have been originally imported in a British or American vessel; but when such re-exportation shall take place from the United States in a British vessel, or from the territories of his Britannick majesty in Europe in an American vessel, to any other foreign nation, the two contracting parties reserve to themselves, respectively, the right of regulating or diminishing, in such case, the amount of the said drawback.

The intercourse between the United States and his Britannick majesty's possessions in the West Indies, and on the continent of North America, shall not be affected by any of the provisions of this article, but each party shall remain in the complete possession of its rights, with respect to such an intercourse.

Art. III. His Britannick majesty agrees that the vessels of the United States of America shall be admitted and hospitably received at the principal settlements of the British dominions in the East Indies, videlicet: Calcutta, Madras, Bombay, and Prince of Wales' Island, and that

the citizens of the said United States, may freely carry on trade between the said principal settlements and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited: provided only, that it shall not be lawful for them, in any time of war between the British government and any state or power whatever, to export from the said territories, without the special permission of the British government, any military stores or naval stores, or rice. The citizens of the United States, shall pay for their vessels, when admitted, no higher or other duty or charge than shall be payable on the vessels of the most favoured European nations, and they shall pay no higher or other duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nations.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place in the United States of America, where the same shall be unladen.

It is also understood, that the permission granted by this article, is not to extend to allow the vessels of the United States, to carry on any part of the coasting trade of the said British territories; but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade. The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their voyage to or from the British territories in India, or to or from the dominions of the emperor of China, at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain, in the African or Indian seas; it being well understood that in all that regards this article, the citizens of the United States shall be subject, in all respects, to the laws and regulations of the British government, from time to time established.

Art. iv. It shall be free for each of the two contracting

parties, respectively, to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party ; but, before any consul shall act as such, he shall in the usual form be approved and admitted by the government to which he is sent ; and it is hereby declared, that in case of illegal or improper conduct towards the laws or government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties, may except from the residence of consuls, such particular places as such party shall judge fit to be so excepted.

Art. v. This convention, when the same shall have been duly ratified by the President of the United States, by and with the advice and consent of their Senate, and by his Britannick majesty, and the respective ratifications mutually exchanged, shall be binding and obligatory on the said United States and his majesty for four years from the date of its signature ; and the ratifications shall be exchanged in six months from this time, or sooner, if possible.

Done at London, this third day of July, in the year of our Lord one thousand eight hundred and fifteen.

(L. s.)

JOHN Q. ADAMS,
HENRY CLAY,
ALBERT GALLATIN,
F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

Now, therefore, be it known, that I, JAMES MADISON, President of the United States of America, having seen and considered the foregoing convention, have, by and with the advice and consent of the Senate, accepted, ratified, and confirmed the same, and every clause and article thereof, subject to the exception contained in a declaration made by the authority of his Britannick majesty, on the twenty-fourth day of November last, a copy of which declaration is hereunto annexed.

In testimony whereof, I have caused the seal of the United States to be hereunto affixed, and have signed the same with my hand. Done at the (L. S.) city of Washington, this twenty-second day of December, A. D. one thousand eight hundred and fifteen, and of the Independence of the United States the fortieth.

JAMES MADISON.

By the President,

JAMES MONROE,

Secretary of State.

DECLARATION.

THE undersigned, his Britannick majesty's charge d'affaires in the United States of America, is commanded by his royal highness the prince regent, acting in the name and on the behalf of his majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London, on the third of July of the present year, for regulating the commerce and navigation between the two countries, that in consequence of events which have happened in Europe subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of general Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person, and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India company, shall be excluded from all communication with, or approach to that island.

It has therefore become impossible to comply with so much of the third article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena, and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with the said island, so long as the said island shall continue to be the place of residence of the said Napoleon Bonaparte.

ANTHONY ST. JOHN BAKER.

Washington, Nov. 24, 1815.

CORRESPONDENCE

RELATIVE TO THE COMMERCIAL CONVENTION WITH GREAT
BRITAIN. JAN. 16, 1816.

*Extract of a Letter from the American Commissioners,
Messrs. Clay and Gallatin, to the Secretary of State, dat-
ed London, May 18, 1815.*

“ HAVING had reason to believe, that the British government had abstained from answering the communication of the joint commission from Ghent, of the day of December, 1814, until they received official information of the American ratification of the treaty of peace, we thought it advisable, soon after that event was known to us, to repair to this city in order that we might ascertain the disposition of this government as to the commercial intercourse between the two countries.

“ Shortly after our arrival here we were invited by lord Castlereagh to an interview with him. A minute of the substance of the conversation which took place on that occasion as drawn up and agreed to by the parties, is enclosed. We communicated to Mr. Goulburn, the next day, our answer upon the three subjects to which the conversation related.

“ In the interview with lord Castlereagh, he had stated, that four or five days might be necessary on their part to prepare for the proposed conversation. Nearly three weeks having elapsed without hearing further on the subject, we took what appeared to us, a fit occasion to intimate our intention of leaving London. A few days after, we received an invitation from the vice-president of the board of trade, Mr. Robinson, to call at his office on the 11th instant; we accordingly attended, and were received by him and Messrs. Goulburn and Adams, two of the British commissioners, who had negotiated the treaty of Ghent.

They opened the conversation by adverting to what had led to this interview, and professed themselves to be ready to receive any propositions we might choose to make. We observed, that in the treaties which America had heretofore made, particularly with this country, regulating commer-

cial intercourse, there were generally comprised two subjects, one, which respected commercial regulations, applicable to a state of peace, as well as of war; the other, which respected the rights and duties of the parties; one being at war, and the other remaining at peace. Accordingly our government had instructed us to bring forward both those subjects.

As to the commercial intercourse, without at this time going into details, or minor points, which it might be necessary in the progress of the negotiation to adjust, we would content ourselves in this unofficial conversation, with touching on the most important topicks, which it seemed to us desirable to discuss and arrange. These were, that the two countries should respectively be placed on the footing of the nation the most favoured; that in the trade between America and the British European dominions, all discriminating duties, on tonnage and on merchandise, either imported or exported, should be abolished. That the trade between America and the British West Indies, should be regulated, and placed on some more permanent basis, than the occasional acts of the colonial authorities: That the nature and kind of intercourse between America and the adjoining British provinces, should be defined, and provided for: And that the trade with the British India possessions, should be opened to America on liberal principles.

In regard to the discriminating duties, we remarked, that a proposition to abolish them, first came from Great Britain, and a provision to that effect was inserted in the unratified treaty of 1806. Congress had taken up the matter at their last session, and passed an act, which we explained. We thought it desirable that they should be abolished, in order to prevent those collisions, and that system of commercial warfare, in which the two countries would probably be involved by an adherence to them. As an example, we mentioned the great extra duty, to which, as we understood, the article of cotton was liable, by the British laws, when imported in foreign vessels, and which, if persisted in, would certainly be met by some countervailing regulations.

With respect to the trade to British India, we observed, that we had no equivalent to offer for it; that it was for Great Britain to consider, whether a commerce consisting, as it did, almost entirely in the exchange of our spe-

cie for India produce, was not of a nature to deserve the most liberal encouragement ; but, that we had rather enter into no stipulation on the subject than be restricted to a direct intercourse as had been proposed by the unratified treaty, both on the outward and return voyage.

On the other subject, the rights and duties of the parties, one being at war, and the other in a condition of peace, we proceeded to remark, that whilst the prospect of a long European peace appeared to exist, as was the case when the treaty of Ghent was concluded, it was less important to provide for questions arising under this head. But it was impossible to shut our eyes to the demonstrations every where making of a new war, which, if it should assume a maritime character, might again menace the harmony and good understanding between the two countries. It was desirable, therefore, to anticipate and provide for the evil. The first and most important point was that of impressment. Great Britain had always professed a willingness to receive and consider any proposition which America should be disposed to make on that subject. It would, perhaps, be unprofitable at this time to go into a discussion of the right ; as to which we would merely remark, that it was impossible that there could be a stronger conviction on the part of Great Britain, that it was with her, than there was on the part of America, that it was on her side. It was better to look to some practicable arrangement, by which, without concession of right by either party, the mischiefs complained on both sides might be prevented. To this end the attention of our government has been turned. We believed that Great Britain had never heretofore contended that the American government was bound to prohibit the merchants of the United States from employing foreign seamen, any more than it was bound to forbid their shipping contraband articles. America was, however, now willing to take upon herself such an obligation, and to exclude British seamen from her merchant service, and we believed such exclusion might be as effectually executed as our revenue laws.— Here we called their attention to the act which Congress had passed on that subject, and to the message of the President to that body towards the close of its last session, upon the supposition, that the exclusion of British seamen should be absolute and entire, there would no

longer exist any ground for the claim of impressment, and of course no objection to its abandonment. We stated that, besides the motive which existed with our government of guarding against collision with Great Britain, another powerful one operated, that of encouraging our native seamen, and of not being obliged to rely on the uncertain supply of foreigners. To this system, as a substitute for that of impressment, it did not appear to us that Great Britain could object, unless it was thought to be impracticable in its execution. We had no doubt ourselves, that even admitting that there might be, as in cases of smuggling, occasional instances of evasion of the system of exclusion, it would nevertheless be, upon the whole, much more favourable in its result to Great Britain. This system would apply to, and operate upon every American vessel; whilst that of impressment reached only the cases of those vessels with which it accidentally came in contact. We were aware of the difficulties which had heretofore opposed a satisfactory arrangement on this subject. Still it was one of such vital importance, so tending to bring the two countries into collision, that it was impossible it should receive a consideration too earnest and too anxious.

The next point which it seemed to us important to settle, was the trade of America with the colonies of the enemies of Great Britain. Towards the end of the last European war, questions growing out of that trade had been terminated by the conquest of those colonies by Great Britain, but many of them having been restored at the peace, the disputes which heretofore existed might again arise. The former arrangements on this subject might, with some modifications, serve as a basis.

We then stated that we did not intend, in this preliminary and unofficial conversation, to discuss the other points belonging to this branch of the subject. A definition of blockades was desirable and could not, it seemed, be attended with much difficulty, as we believed that there was no real difference between the two countries, with respect to the abstract principle. But we apprehended that the disputes which might hereafter take place on that subject, would arise almost exclusively from questions of fact which no previous definition could prevent.

As, in the event of war, Great Britain might desire to

know the disposition of our government on the subject of privateers and prizes, we would only now say, that the principle which might be adopted with respect to Great Britain, whether of admission or exclusion, must equally and impartially apply to all the parties to the war.

These were all the topicks noticed by us, and we enforced and illustrated them by various other observations.

The British gentlemen, professing not to have expected those points to be brought forward which applied to a belligerent state of one of the parties, expressed a wish to know whether, in our view, the two subjects were inseparable, and whether we could not come to an agreement on those topicks which were probably less difficult to be adjusted, leaving the others for further consideration, and future arrangement? we replied, that heretofore they had always been blended together by our government, and that we intended to bring them all for consideration; that at present however, we only presented them for consideration; as it would be premature at this time to make any of them a *sine qua non*; and that whether a treaty, omitting some of them would be acceptable, must depend on its general tenour, and upon the extent and importance of the subjects which might be comprehended in the arrangement.

They proceeded to remark, that some of the subjects had been always found to involve extreme difficulty, particularly that of impressment; that Great Britain was certainly prepared at all times, to receive and to consider any proposition that America might be disposed to make in relation to it; but, one of the gentlemen remarked, that from the deep interest which was felt by Great Britain in it, she must view with great jealousy, by which he said he meant vigilance, any such proposition; that the inquiry which they had just made as to our willingness to separate the two subjects, proceeded from a wish to ascertain whether it were likely that any practical result, could be speedily obtained, if they entered upon the negotiation at this time.

On the subject of discriminating duties mentioned by us, they said their government would receive favourably the proposition for a mutual abolition of them. As to the trade with India, their government was not at all disposed

to shut us out from it. In regard to the trade to the West Indies, considering the difficulties which had heretofore presented themselves in placing it, by treaty, upon a footing satisfactory to both parties, they feared it would not now be practicable to enter into any stipulation respecting it, which should meet the views of the two countries.

The interview terminated by their stating, that they would report to the cabinet, the substance of what had passed between us, and by their pledging themselves to do all in their power to afford us an early answer.

On the 16th instant, having been again invited by the vice-president of the board of trade to call at his office, we accordingly attended, and were received by the same gentlemen. They stated that they had reported to the cabinet what had passed at the last interview, and were now prepared to give us an answer on the several topics to which the conversation related. In doing this, they would observe the order which had been marked out by us.

1st. On the commercial intercourse between the two countries, they were authorized to state, that their government was ready to treat with us on the footing of the most favoured nation; and were also willing to enter into any arrangement by which all discriminating duties on importations and tonnage should be mutually done away. They were willing to admit us to the enjoyment of the trade with British India, unclogged by the restriction on the outward voyage contained in the unratified treaty: but must still insist on that contained in the treaty of 1794 on the return voyage. Considering that we had candidly stated, that we had no equivalent to offer, except what was to be found in the trade itself, they would expect for this concession, a spirit of accommodation on our side, in other parts of the commercial arrangement, the fur trade, or some other.

The trade with the British West Indies, they stated, had always been a subject of great difficulty, and their government was not prepared to make any change in that colonial policy, to which they had so long adhered; but they would hope that this would not form any obstacle to the negotiation.

With respect to the trade with their North American possessions, they were ready to receive and discuss any

propositions we might have to offer, with an anxious desire to place it on a footing mutually satisfactory.

2dly. On those subjects which related to a state in which one of the parties should be at war, and the other in peace, it was not necessary to disguise that they had been always attended with great difficulties. Still they were willing, in a spirit of amity, and with candour, to receive and to discuss any propositions we might offer.

With regard to blockades, they could not think it necessary to enter into any treaty definition of them, as the questions which might hereafter arise on that subject (according to our own statement) would relate rather to the fact, than to the principle, on which the two governments seemed to agree. Indeed, they thought that such a definition might tend to weaken, as implying a doubt of the correctness of the principle.

In relation to the trade with enemies' colonies, besides the intrinsic difficulty of the question, as heretofore experienced in all attempts to arrange it, there was another, arising out of their want of information, as to whether France had adopted any, and what system, of colonial policy, since the restoration of her colonies. It might be, that she had opened their trade to foreign nations in peace as in war, in which case the questions that had heretofore existed could not be agitated again.

Impressment had, they continued, of all this class of subjects, been found most difficult to arrange. They were aware how important it was considered in both countries, and how, in both, it touched publick sensibility. As heretofore, they were now ready to receive and consider any proposition our government might make respecting it. And even without any treaty stipulation, their government was now anxiously engaged in devising means to prevent the abuses of which we complain. If the law which we had mentioned, at the last interview, should be effectual in its object, it would doubtless do away a great motive with them for impressment. Still they were bound to consider, with the most vigilant attention, any proposition for the abandonment of what they must consider a right essential to their safety. That law did not, however, as they understood, settle the question, who were to be considered as British subjects, a question

on which the two countries might not be able to come to an understanding.

With regard to our ideas respecting privateers and prizes, they were certainly fair and unexceptionable.

As they had hinted at some accommodation in the fur trade, or in other parts of the commercial arrangement, for their supposed concession respecting the India trade, we thought the occasion suitable for stating, that we were positively instructed not to consent to the renewal of the trade between British subjects and the Indians within our territories. We stated, that the disposition of our government on this subject did not proceed from commercial, but political considerations. They did not insist upon it, nor seem to think, that the determination of our government would prevent an arrangement of the Canada trade. One of them inquired, whether we expected, in like manner, to be excluded from the trade with the Indians in their territories? To which we replied, certainly.

We explained the law for the exclusion of foreign seamen from our service, and mentioned that the naturalization of seamen would be almost altogether prevented in future by the necessity of a continued residence of five years. We stated, that we were authorized to enter into stipulations that would forbid the employment of such British seamen as might, under our laws, be hereafter naturalized, but that we could not do it with respect to those who were already naturalized. We had thought, that as to them, an exception might be made, permitting, on both sides, the voluntary employment of such seamen, natives of one country, as might have heretofore been naturalized under the laws of the other country. We added, that the number of British seamen already naturalized, which could constitute, as it appeared to us, the only difficulty in an arrangement, was very inconsiderable. Doctor Adams concurred in opinion, that they were not many.

We made some further explanations, and finally told them that, considering the dispositions which we had been happy to meet with in them, we would now say, that we would enter upon the negotiation, reserving to ourselves, however, the right, as our powers were several, as well as joint, to withdraw from it, if circumstances should make it

eligible to do so, and to leave to Mr. Adams, whom we daily expected, to conclude it.

The interview closed, by their undertaking to provide themselves immediately with the necessary powers to proceed in the negotiation; and by an assurance, that they would continue to do all in their power to bring it to a speedy and successful issue.

Extract of a Minute of a Conversation which took place at Lord Castlereagh's, between his Lordship and Messrs. Clay and Gallatin, April 16, 1815.

“Lord Castlereagh then called the attention of the American commissioners to a communication made by them at Ghent relative to their power to treat on the commercial intercourse between the two countries. He said, before he gave an answer to that communication, he should be glad, if it were agreeable to the American commissioners, that there should be an unofficial conversation between them and the British commissioners, who negotiated the treaty of peace, together with Mr. Robinson, whom he would associate with them for that purpose, to ascertain if it were likely, that some general principles could be agreed upon to form a basis of a treaty of commerce. He should prefer, that this conversation, like that which he understood, had taken place in the former negotiation between lords Holland and Auckland, and Messrs. Monroe and Pinkney, should be free from official forms, and thought such a course best calculated to ascertain if it were likely that the two governments could come to any practical result on this interesting subject.

“It was observed by one of the American commissioners, that such a conversation would be on terms of inequality, the American commissioners being invested with powers, and the other gentlemen, having none; unless it was understood, not only that it should be considered as entirely unofficial, but that the same gentlemen should afterwards be commissioned to conclude a treaty, if it were thought that one could be formed. Lord Castlereagh remarked in reply, that such was certainly his intention.

“The conversation ended in an understanding that the American commissioners would consult together upon the

three topics mentioned by lord Castlereagh, and communicate on the following day to Mr. Goulburn the result of their deliberations.”

*The American Plenipotentiaries to the Secretary of State.
London, 3d July, 1815.*

SIR,—We have the honour to transmit a convention for regulating the commercial intercourse between the United States and Great Britain, which we concluded this day with the British plenipotentiaries.

Messieurs Clay and Gallatin's despatch of the 18th May last, has informed you of the preliminary steps taken by them on that subject. Mr. Adams arrived in London on the 25th of May, and on the 5th of June, we were invited by Messieurs Robinson, Goulburn, and Adams, to meet them on the 7th. At this conference, after a mutual exhibition of our powers, and some general observations, we delivered to them our *projet* of a commercial convention, a copy of which, marked (1), is herewith enclosed. They promised to take it into immediate consideration; and on the 9th, informed us that they would prepare and transmit to us a *contre projet*.

Believing that there was no prospect of an immediate arrangement on the subject of seamen, and knowing that without it no treaty, defining the rights and duties of belligerent and neutrals was admissible, we excluded all that related to that branch of the subject from our *projet* and confined it to objects purely commercial.

We took the 3d article of the treaty of 1794, respecting the intercourse with Canada, as the basis of the corresponding article, omitting, according to our instructions, whatever related to the Indian trade. In drawing the other articles, we were principally guided by the unratified treaty of 1806, by the instructions given in relation to it by the Secretary of State, in his despatch of May 20th, 1807, and by the act of Congress, of 3d March last, for abolishing all discriminating duties. From the previous explicit declarations of the British plenipotentiaries, we deemed it useless to offer any article on the subject of the intercourse with the West India islands, and only inserted a clause, to prevent the application to that intercourse of the provisions contemplated by the convention.

On the 16th the British plenipotentiaries addressed to us a note, enclosing their *contre projet*, marked (2) ; and on the 17th we transmitted our answer, marked (3). The whole subject was discussed at large in conferences held on the 19th and 21st. The British plenipotentiaries, in a note of the 20th, marked (4), stated the substance of their answer to ours of the 17th. In the conference of the 21st, we delivered the additional clause to the 2d article of the *contre projet*, marked (5), and afterwards, on the same day, we transmitted our note marked (6.)

It will be perceived by these notes that we had come to an understanding as to the intercourse between the United States and the British territories in Europe, and that we disagreed on three points : the intercourse with Canada ; placing, generally, both countries on the footing of the most favoured nations ; and the intercourse with the British East Indies.

On the first point, the British plenipotentiaries persisted in refusing to admit that the citizens of the United States should have the right to take their produce down the river St. Lawrence to Montreal, and down the river Chambly (or Sorel) to the St. Lawrence : and without that permission the article was useless to us, and unequal in its practical operation. The provision that the importation of our produce into Canada should not be prohibited, unless the prohibition extended generally to all similar articles, afforded us no security ; as no similar articles are imported into Canada from any other foreign country ; whilst the corresponding provision, respecting the importation into the United States, through Canada, of the produce and manufactures of Great Britain, effectually prevented us from prohibiting such an importation ; since this could not be done without extending the prohibition to the importation of all similar articles, either of British or other foreign growth or manufacture, in the Atlantick ports of the United States.

The article for placing, respectively, the two countries on the footing of the most favoured nation limited, as was insisted on by the British plenipotentiaries, to the intercourse between the United States and the European territories of Great Britain, was unnecessary ; since all that appeared desirable on that subject was secured by the second article ; and a provision of that nature, unless offer-

ing some obvious advantage, was deemed embarrassing, on account of the difficulties attached to its execution.

With this view of the two subjects, and finding that to arrange them in a satisfactory manner was impracticable, we proposed in our note of the 21st to omit altogether the articles relating to them.

On the subject of the intercourse with India, the British plenipotentiaries, contrary to the impression made in the unofficial conversations on Messrs. Clay and Gallatin, had insisted on our official conferences, that our admission to that trade was, on the part of Great Britain, a concession altogether gratuitous ; and for which, particularly as to the privilege of indirect outward voyages, she ultimately expected an equivalent ; whilst we strenuously contended that an equivalent was found in the trade itself, which was highly beneficial to India, or, at all events, considering the nature of the commercial intercourse generally between the two countries, in the other provisions of the convention. On the same ground we urged our claim to be placed in India on the same footing, at least, as the most favoured nations. To which was replied that they made a distinction between nations which had possessions there and those which had none. The refusal not being altogether explicit, we renewed our proposal to that effect in our note.

The British plenipotentiaries, in a note of the 23d, marked (7), acceded to our proposal to omit the 3d and 5th articles, and refusing that on the subject of India, offered to omit the article altogether, and to sign a convention embracing only the provisions respecting the intercourse between the United States and the British territories in Europe.

This proposal we rejected in our note of the 24th, marked (8). But in order to meet, if practicable, the views of the British government, and to avoid making any distinction between the East India trade and the other branches of commercial intercourse, we proposed to limit the duration of the whole convention to four years, and we offered, as an alternative, an arrangement for the sole purpose of abolishing the discriminating duties, in conformity with the act of Congress of the last session.

In a note of the 26th, marked (9), the British plenipotentiaries informed us that they found it necessary to refer

our last proposals to their government, and by their note of the 29th, marked (10), they accepted our offer of a convention embracing the East India article, and limited to four years, to be calculated from the date of its signature. We replied to this in a note dated 30th June, and marked (11), and on the same day arranged, in a conference, the details of the convention.

We beg leave to add, that the same restriction which confines our vessels to the principal ports of India is, except in special cases, imposed by the act of parliament, on British subjects; and that, besides the discrimination in the export duty from England, the difference on the import duty on the article of cotton, had, by a late act of parliament, been increased to two pence sterling per pound in favour of every species imported in British vessels, and even of Brazil cotton, imported in Portuguese vessels.

We have the honour to be, respectfully, sir,

Your obedient servants,

JOHN QUINCY ADAMS,

H. CLAY,

ALBERT GALLATIN.

The Hon. James Monroe, Sec'ry of State, Washington.

No. 1.

Art. 1. There shall be, between the territories of the United States and all the dominions of his Britannick majesty in Europe, a reciprocal and perfect liberty of commerce and navigation. The people and inhabitants of the two countries respectively shall have liberty, freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places, and rivers within the territories and dominions aforesaid, to enter into the same, to resort there and to remain and reside there, without any limitation of time; also, to hire and possess houses and warehouses, for the purposes of their commerce; and generally, the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce, but subject always, as to what respects this article, to the laws and statutes of the two countries respectively.

Art. II. No other or higher duties shall be imposed on the importation in the United States, of any articles, the growth, produce, or manufacture of the dominions of his Britannick majesty in Europe; of any articles the growth, produce or manufacture of the United States, than are or shall be payable on the like articles, being of the growth, produce, or manufacture of any other foreign country. Nor shall any higher duties or charges be imposed, in either of the two countries, on the exportation of any articles to the United States, or to his Britannick majesty's dominions in Europe respectively, than such as are payable on the exportation of the like articles, to every other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles, the growth, produce, or manufacture of the United States, or of his Britannick majesty's dominions in Europe, to, or from the said States, or the said dominions, which shall not equally extend to all other nations. No other, or higher duties, or charges shall be imposed, in any of the ports of the United States, on British vessels (such only excepted as may be bound from or to British possessions to which vessels of the United States are not permanently admitted) than shall be payable, in the said ports, by vessels of the United States, nor in the ports of any of his Britannick majesty's dominions in Europe, on the vessels of the United States, than are or shall be payable in the said ports by British vessels. The same duties of exportation and importation, and also, the same drawbacks and bounties shall be respectively paid and allowed, in either country, on all articles, the produce, growth, or manufacture of the United States, or of his Britannick majesty's dominions in Europe, whether such exportation or importation be in vessels of the United States or in British vessels.

Art. III. His Britannick majesty agrees, that the vessels of the United States shall be admitted, and hospitably received, in all the seaports and harbours of the British dominions in the East Indies, and that the citizens of the said States may freely carry on a trade with the said territories, in all articles of which the importation or exportation respectively to or from the said territories shall not be entirely prohibited: Provided only, that it shall not be lawful for them, in any time of war between the British

government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military or naval stores, or rice.

The citizens of the United States shall pay, for their vessels when admitted into the said ports, no other, or higher duty, or charge than shall be payable on British vessels in the ports of the United States. And they shall pay no higher or other duties, or charges on the importation, or exportation of the cargoes of the said vessels than shall be payable on the same articles, when imported or exported in British vessels. But it is expressly agreed, that the vessels of the United States shall not carry any of the articles exported by them from the said British territories to any port or place, except to some port or place in America, where the same shall be unladen; or to some port or place, or ports or places in China, or in the Indian seas, whence the said vessels shall proceed, as aforesaid, to some port or place in America, and there unlade the whole of the articles exported, in the manner above mentioned, from the aforesaid British territories. And such regulations shall be adopted by both parties, as shall, from time to time, be found necessary to enforce the due and faithful observance of this stipulation. It is also understood, that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any part of the coasting trade of the said British territories, without the special permission of the British government there: but the vessels going from one port to another of the said territories, for the sole purposes either of discharging their original cargoes, or part thereof, or of completing their return cargoes, are not to be considered as carrying on the coasting trade. Neither is this article to be construed to allow the citizens of the United States, to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgressions should be attempted against the regulations of the British government in this respect, the observance of the same shall, and may be enforced against the citizens of America, in the same manner as against British subjects, or others transgressing the same rule. And

the citizens of the United States, whenever they arrive in any port or harbour in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government, and jurisdiction of whatsoever nature, established in such harbour, port, or place, according as the same may be. The vessels of the United States may also touch for refreshment at the island of St. Helena, or at such other ports or places as may be in the possession of Great Britain, in the African or Indian seas; but subject, in all respects, to such regulations as the British government may, from time to time, establish there.

Art. iv. The navigation of all the lakes, rivers, and water communications, the middle of which is the boundary between the United States and his Britannick majesty's dominions on the continent of North America shall, at all times, be free to the citizens of the United States, and to his majesty's subjects. The said citizens and subjects may freely carry on trade and commerce with each other, and for that purpose pass and repass by land or inland navigation, into the respective territories of the two parties, on the said continent: and no higher or other tolls, or rates of ferriage, than what are, or shall be, payable by natives, shall be demanded on either side. All goods and merchandise, whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of the commerce above mentioned, be carried into the same, in the manner aforesaid, by his majesty's subjects, and such goods and merchandise shall be subject to no higher or other duties than would be payable by citizens of the United States, on the importation of the same in American vessels into the Atlantick ports of the said United States; and, in like manner, all goods and merchandise, whose importation into his majesty's said territories in America shall not be entirely prohibited, may freely, for the purposes of the commerce above mentioned, be carried into the same, in the manner aforesaid, by the citizens of the United States; and such goods and merchandise shall be subject to no higher, or other duties than would be payable by his majesty's subjects, on the importation of the same from Europe, into the said territories. All goods, not prohibited, to be exported from the said ter-

ritories respectively, may, in like manner, be carried out of the same by the two parties. No duty of importation or exportation shall be levied by either party on peltries or furs, which may be brought in the manner aforesaid, by land or inland navigation, from the said territories of one party into the said territories of the other party.

Art. v. It shall be free for each of the two contracting parties, respectively, to appoint consuls for the protection of trade ; and agents for the protection of seamen, to reside in the dominions and territories of the other party ; and the said consuls and agents shall enjoy their liberties and rights which belong to them by reason of their functions. But before any consul or agent aforesaid shall act as such, he shall be, in the usual form, approved and admitted by the party to whom he is sent : and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul or agent aforesaid, may either be punished according to law, if the law will reach the case, or be dismissed, or even sent back, the offended government assigning to the other the reasons for the same.

Art. vi. It being the intention of the high contracting parties that the people of their respective dominions shall be placed on the footing of the most favoured nation, it is agreed that in case either party shall hereafter grant any additional advantage in navigation or trade to any other nation ; the citizens or subjects of the other party shall fully participate therein, freely where it is freely granted to such other nation, or yielding the same compensation where the grant is made for some equivalent.

No. 2.

The British Plenipotentiaries to the American Plenipotentiaries. Board of Trade, June 16, 1815.

THE undersigned have the honour to transmit to the plenipotentiaries of the United States, a *contre projet* for the arrangement of the commercial intercourse between the two countries. The American plenipotentiaries will observe, that the article respecting the British East Indies is not proposed to be included in the body of the

treaty, but in a separate article, and more limited in point of duration than would be suitable to the arrangements of the treaty itself. The undersigned, nevertheless, flatter themselves that the American plenipotentiaries will see in the proposed article for the East India intercourse, a proof of the liberal and conciliatory disposition with which the British government is disposed to act upon the subject.

It will be recollected that at one of the unofficial conferences, and subsequently, at the first official conference held with the American plenipotentiaries, the undersigned stated by order of their government, that if the power of going from the United States to the British dominions in the East Indies by an indirect course were conceded, Great Britain must be considered as entitled to some equivalent for the concession, and that the fur trade was pointed out by the undersigned, as capable of furnishing that equivalent.

The American plenipotentiaries having stated that their instructions did not permit them to grant by stipulation any commercial intercourse between his majesty's subjects and the Indians residing within the acknowledged boundaries of the United States, and not having suggested any other means of finding an equivalent, the undersigned would have been fully justified in tendering a *contre projet* which wholly omitted the concession in question.—But his majesty's government, anxious to renew the commercial relations of the two countries, in the true spirit of peace and harmony, has authorized the undersigned to offer a separate article by which the indirect voyage from the United States to the British East Indies will be permitted without equivalent, for the space of two years, in the confident hope, that during that period the American government will be enabled to propose such an equivalent as may induce Great Britain to make that permission commensurate with the general duration of the treaty.

The undersigned will be happy to have the honour of seeing the American plenipotentiaries on any day which may suit their convenience, and request them to accept the assurance of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 2.

Art. I. THERE shall be between all the territories of his Britannick majesty in Europe, and the territories of the United States of America, a reciprocal liberty of commerce. The inhabitants of the two countries respectively shall have liberty fully and securely to come with their ships and cargoes to all such places, ports, and rivers in the territories aforesaid, to which other foreigners are permitted to come; to enter into the same, and to remain and reside in any parts of the said territories respectively; also to hire and occupy warehouses for the purposes of their commerce; and generally the merchants and traders of each nation respectively shall enjoy the most complete protection and security for their commerce, but subject always to the laws and statutes of the two countries respectively.

Art. II. No higher or other duties shall be imposed on the importation into the territories of his Britannick majesty in Europe, of any articles the growth, produce, or manufacture of the United States, and no other or higher duties shall be imposed on the importation into the United States of any article the growth, produce, or manufacture of his Britannick majesty's territories in Europe, than are or shall be payable on the like articles being the growth, produce, or manufacture of any other foreign country; nor shall any other or higher duties or charges be imposed in either of the two countries on the exportation of any articles to his Britannick majesty's territories in Europe, or to the United States, respectively, than such as are payable on the exportation of the like articles to any other foreign country: nor shall any prohibition be imposed upon the exportation or importation of any article, the growth, produce, or manufacture of his Britannick majesty's territories in Europe, or of the United States, to or from the said territories of his Britannick majesty in Europe, or to or from the said United States, which shall not equally extend to all other nations.

No other or higher duties or charges shall be imposed in the ports of any of his Britannick majesty's territories in Europe, on the vessels of the United States than shall be payable on British vessels, nor in any of the ports of

the United States on British vessels, than those payable in the same ports by vessels of the United States.

Art. III. The navigation of all lakes, rivers, and water communications, the middle of which is, or may be the boundary between his Britannick majesty's territories on the continent of North America, and the United States shall, with the exceptions hereinafter mentioned, at all times be free to his majesty's subjects and the citizens of the United States. The inhabitants of his Britannick majesty's territories in North America, and the citizens and subjects of the United States may freely carry on trade and commerce by land or inland navigation as aforesaid, with goods and merchandise, the growth, produce, or manufacture of the British territories in Europe or North America, or of the United States, respectively, within the territories of the two parties respectively, on the said continent, (the countries within the limits of the Hudson's Bay Company only excepted,) and no other or higher duties, or tolls, or rates of ferriage or portage, than what are or shall be payable by natives respectively, shall be taken or demanded on either side. All goods or merchandise whose importation into the United States shall not be wholly prohibited, may fully, for the purposes of the commerce above mentioned, be carried into the said United States in the manner aforesaid by his Britannick majesty's subjects, and the said goods and merchandise shall be subject to no higher or other duties than would be payable by citizens of the United States on the importation of the same in American vessels into the Atlantick ports of the United States. And in like manner all goods and merchandise the growth, produce, or manufacture of the United States, whose importation into his majesty's said territories in America, shall not be entirely prohibited, may fully, for the purposes of the commerce above mentioned, be carried into the same by land, or by means of such lakes, rivers, and water communications as above mentioned, by the citizens of the United States; and such goods and merchandise shall be subject to no other or higher duty than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories. No duty shall be levied by either party on peltries or furs which may be brought in the manner aforesaid by land or inland navigation from the said territories of another, but tolls or rates of ferriage or portage may be de-

manded and taken in manner above mentioned on such peltries or furs.

It is hereby declared, that nothing in this article contained, as to the navigation of rivers, lakes, or water communication, shall extend to give a right of navigation upon or within the same in those parts where the middle is not the boundary between his Britannick majesty's territories and the United States of America.

Art. iv. It shall be free for each of the two contracting parties to appoint consuls for the protection of trade, to reside in the dominions and territories of the other party. But before any consul shall act as such, he shall, in the usual form, be approved and admitted by the government to which he is sent; and it is hereby declared, that in case of illegal or improper conduct towards the laws or government of the country to which he is sent, such consul may either be punished according to law, if the laws will reach the case, or be sent back, the offended government assigning to the other the reasons for the same.

It is hereby declared, that either of the contracting parties may except from the residence of consuls such particular places as such party shall judge proper to be so excepted.

Art. v. It being the intention of the contracting parties, that the inhabitants of his Britannick majesty's territories in Europe, and the inhabitants of the United States shall, in respect to commerce between the said territories, be placed on the footing of the most favoured nations: it is agreed, that in case either the contracting parties shall hereafter grant any additional advantages in commerce or navigation, to any European nation, as to the importation or exportation, to or from such other European nation and his Britannick majesty's territories in Europe, or to or from such European nation, and the territories of the United States, the citizens and subjects of the other contracting party shall likewise enjoy the same freely, where it has been freely granted to such other European nation; and, where conditionally granted, on the same terms and conditions on which such advantage shall have been granted, or on terms and conditions which may be afterwards agreed upon as equivalent thereto by the contracting parties.

No. 2.

FIRST SEPARATE ARTICLE.

His Britannick majesty agrees, that the vessels of the United States shall be admitted, and hospitably received at the principal settlements of the British dominions in the East Indies, *videlicet*: Calcutta, Madras, Bombay, and Prince of Wales' Island, and that the citizens of the said United States may fully carry on trade between the said principal settlements, and the said United States, in all articles of which the importation and exportation, respectively, to and from the said territories, shall not be entirely prohibited; provided only, that it shall not be lawful for them, in any time of war between the British government and any power or state whatever, to export from the said territories, without the special permission of the British government, any military stores, or naval stores, or rice. The citizens of the United States shall pay for their vessels when admitted, no other, or higher duty or charge, than shall be payable on the vessels of the most favoured European nations. And they shall pay no other or higher duties or charges on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in the vessels of the most favoured European nation.

But it is expressly agreed, that the vessels of the United States shall not carry any articles from the said principal settlements to any port or place, except to some port or place, in the United States of America, where the same shall be unladen.

It is also understood, that the permission granted by this article, is not to extend to allow the vessels of the United States to carry on any of the coasting trade of the said British territories, but the vessels of the United States having, in the first instance, proceeded to one of the said principal settlements of the British dominions in the East Indies, and then going with their original cargoes, or part thereof, from one of the said principal settlements to another, shall not be considered as carrying on the coasting trade.

The vessels of the United States may also touch for refreshment, but not for commerce, in the course of their

voyage to or from the British territories in India, at the Cape of Good Hope, the island of St. Helena, or such other places as may be in the possession of Great Britain in the African or Indian seas. It being well understood, that in all that regards this article, the citizens of the United States shall be subject in all respects to the laws and regulations of the British government from time to time established.

SECOND SEPARATE ARTICLE.

It is hereby agreed and declared, that the first separate article of the present treaty, shall be limited in its duration to the period of two years from the date of the exchange of the ratifications of the said treaty.

No. 3.

The American to the British Plenipotentiaries. Harley Street, June 17, 1815.

THE undersigned have the honour to acknowledge the receipt of the note of his Britannick majesty's plenipotentiaries of the 16th instant, enclosing their *contre projet* for the arrangement of the commercial intercourse between the two countries.

Anxious to ascertain, with as little delay as possible, whether there be any probability that such an arrangement can now be concluded as shall be satisfactory to both parties, the undersigned will not at this time enter into a discussion of the subject, and leaving minor points for subsequent consideration, will only propose the following alterations in the *contre projet* of his Britannick majesty's plenipotentiaries, *videlicet*.

Art. II.—1st. To reinstate the clause in the *projet* of the undersigned, which provided that the same duties, drawbacks, and bounties, should be paid and allowed in either country, on the importation or exportation of articles the produce, or growth, or manufacture of his Britannick majesty's territories in Europe, or of the United States, whether such importations or exportations should be in British vessels, or in vessels of the United States.

2diy. To reinstate the clause in the *projet* of the undersigned, which excepted from the provision to equalize ton-

nage duties, British vessels bound to or from British possessions, to which vessels of the United States were not permanently admitted; or to introduce a new article, providing that neither the intercourse between the United States and his Britannick majesty's possessions in the West Indies, nor that by sea between the said states and his Britannick majesty's possessions in North America shall be affected by any article in the treaty, but that each party shall remain in the complete possession of its rights, in respect to such an intercourse.

Art. III. To reinstate, in substance, the article proposed on that subject by the undersigned, so that the commerce by land or inland navigation, sanctioned by the article be confined to that which may be carried on between the citizens of the United States and his Britannick majesty's subjects; and so as not to preclude the citizens of the United States from carrying articles of the growth, produce, or manufacture of the said states, down the river St. Lawrence, as far at least as Montreal, and down the waters of Lake Champlain, as far at least as the St. Lawrence. Or, if no satisfactory arrangement can at present be formed on this subject, to omit the article altogether.

Art. v. To place, generally, each nation on the footing of the most favoured nation, without restricting that privilege as relates to the citizens of the United States to the commerce with his Britannick majesty's territories in Europe.

Second separate article to be omitted.

The undersigned will have the honour to wait on his Britannick majesty's plenipotentiaries on Monday the 19th instant, at two o'clock, at the office for trade, when the undersigned hope they will be able to communicate to them their final determination on the proposed alterations.

The undersigned request his Britannick majesty's plenipotentiaries to accept the assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. J. Robinson,
H. Goulburn, and
Dr. William Adams.

No. 4.

The British to the American Plenipotentiaries. Board of Trade, June 20, 1815.

IN compliance with the request of the American plenipotentiaries, the undersigned have the honour to communicate to them, in writing, the substance of the observations which were made on the part of the British plenipotentiaries in the conference of yesterday, upon the different points referred to in the note of the American plenipotentiaries of the 17th instant.

Upon the first point relating to a part of the second article of the *contre projet* of the undersigned, the British plenipotentiaries stated it to be the intention of their government to agree, not only to a mutual equalization of such duties as may be properly called tonnage duties, but also of all duties upon the importation of goods the growth, produce, or manufacture of the two countries respectively, whether imported in British or in American ships; they stated further, their readiness to accede to a similar and mutual equalization of bounties payable upon the above articles. Upon the subject of drawbacks, they represented that the clause, as proposed by the American plenipotentiaries, appeared to give to the vessels of the United States, which might be engaged in the general re-exportation of American produce from this country to all other parts of the world, an advantage equal to that enjoyed by British ships, and that this privilege went beyond the general principle of an article which was confined to the trade between the two countries respectively. They expressed a wish to receive from the American plenipotentiaries, a more precise explanation of their views upon this point.

Upon the second point referred to in the note of the American plenipotentiaries, the undersigned expressed their readiness to agree to a clause, which should contain the latter alternative suggested by the American plenipotentiaries.

Upon the third article relating to the intercourse between Canada and the United States, the undersigned disclaimed any intention of obtaining, by any interpretation of the words of the article, as they had proposed it, a right

to an intercourse with the Indians, residing within the acknowledged limits of the United States, which the American plenipotentiaries had already stated, that their instructions forbade them to concede. And they expressed their readiness to agree to the insertion of such words as would clear up any doubt which might exist upon the subject.

As to the navigation of the river St. Lawrence as far as Montreal, and that of the waters flowing from Lake Champlain to that river, the undersigned stated themselves not to be authorized to stipulate the concession of that indulgence in the way proposed by the American plenipotentiaries. The undersigned likewise stated their objections to extending article 5, beyond the intercourse between the United States and his Britannick majesty's dominions in Europe.

In regard to the two separate articles of the *contre projet*, the undersigned stated that they had no authority to grant the first, unless accompanied by a limitation in point of time, and when the American plenipotentiaries proposed, as a substitute for that article, one which should give the United States the same privileges as the most favoured European nations in their intercourse with the British possessions in that quarter, the undersigned, whilst they admitted that in some respects it stood upon different grounds from an article which should grant the indirect voyage to the East Indies, without any equivalent or limitation in point of time, did not feel themselves authorized to hold out any expectation that this new suggestion could be acceded to by Great Britain.

The undersigned request the American plenipotentiaries to accept the assurances of their high consideration.

F. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 5.

Second Sketch of Article for Equalizing Duties.

THE same duties shall be paid on the importations in the ports of any of his Britannick majesty's territories in Europe, of any articles, the growth, produce, or manufac-

ture of the United States and the same drawbacks shall be allowed on the re-exportation thereof, whether such importation shall be in vessels of the United States or in British vessels, and the same duties shall be paid on the importation in the United States of any articles, the growth, produce, or manufacture of his Britannick majesty's territories in Europe, and the same drawbacks shall be allowed on the re-exportation thereof, whether such importation shall be in vessels of the United States or in British vessels. The same duties shall be paid and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of the United States, to his Britannick majesty's territories in Europe, whether such exportation shall be in vessels of the United States, or in British vessels, and the same duties shall be paid, and the same bounties allowed on the exportation of any articles, the growth, produce, or manufacture of his Britannick majesty's territories in Europe to the United States, whether such exportation shall be in vessels of the United States or in British vessels.

No. 6.

The American to the British Plenipotentiaries. Harley Street, June 21, 1815.

THE undersigned have the honour to acknowledge the receipt of the note of the British plenipotentiaries, dated the 20th instant, communicating the substance of the observations which they had made in the conference of the 19th, upon the different points referred to in the note of the undersigned of the 17th instant.

The views of the undersigned, with respect to the second article being precisely the same with those stated by the British plenipotentiaries, there will be no difficulty in framing a clause embracing the objects contemplated by both parties, and which shall be free from ambiguity.

The explanation given by the British plenipotentiaries upon that part of the third article which the undersigned apprehended might be liable to a construction in reference to the Indian trade, not intended by either party, is perfectly satisfactory. But they regret that they cannot accede to the alterations proposed in other respects by the

British plenipotentiaries to the article which had been offered by the undersigned, particularly as they affect the privilege of inland navigation by the river St. Lawrence and by the waters flowing from Lake Champlain, nor have they found it practicable to frame any article compatible with the different views entertained by the two parties respecting the intercourse between the United States and Canada. They therefore recur to the proposal made in their note of the 17th instant, to omit that article altogether, that proposal not having been noticed in the note of the British plenipotentiaries of the 20th inst.

They make the same offer as to the 5th article of the *contre projet*.

And thirdly, they hereby renew the proposal made verbally in the conference of the 19th instant, to substitute for the two separate articles, one placing the United States, in their intercourse with the British possessions in India, on the footing of the *most* favoured European nation.

The undersigned request to be made acquainted with the determination of the British plenipotentiaries on those three propositions.

The undersigned tender again to the British plenipotentiaries assurances of their distinguished consideration.

JOHN QUINCY ADAMS,

H. CLAY,

ALBERT GALLATIN.

The Rt. Hon. F. J. Robinson,
Henry Goulburn, Esq. and
Dr. William Adams.

No. 7.

The British to the American Plenipotentiaries. Board of Trade, June 23, 1815.

THE undersigned have the honour to acknowledge the receipt of the note of the American plenipotentiaries of the 21st instant, and are happy to find that no difficulty exists on either side to the second article. Upon the subject of the third article, the undersigned regret to learn that the American plenipotentiaries have not found it

practicable to frame any article compatible with the different views entertained by the two parties respecting the intercourse between Canada and the United States: And as the undersigned are equally unable to accede to the proposition made on the part of the United States respecting the navigation of waters lying exclusively within the territories of his Britannick majesty, they accede to the proposal of omitting the article altogether. They have also no objection to the omission of the fifth article.

In regard to the trade with the British East Indies, the undersigned are not authorized to substitute for the two separate articles which they had proposed, one which shall put the intercourse of the United States in that quarter upon the footing of the most favoured European nation, inasmuch as it would have the practical effect of granting, in another shape, that which the undersigned are instructed to withhold, unless accompanied by a greater limitation of time than they would think it expedient to apply to the other arrangements of the treaty. If, however, the American plenipotentiaries adhere to their objection to the substance of the two separate articles, as proposed on the part of Great Britain, the undersigned are ready to omit altogether any article upon the subject of the East Indies.

The undersigned are nevertheless disposed to consider the arrangements of the second article (as agreed upon, or understood) to be of sufficient importance to the mutual interests of Great Britain and the United States, particularly in the common object of securing a free commercial intercourse between the two countries, to induce them readily to sign a treaty or convention for that single purpose, independent of the other points to which the negotiation has referred.

The undersigned are happy, upon this occasion, to renew to the American plenipotentiaries the assurances of their high consideration.

F. J. ROBINSON,
WILLIAM ADAMS.

No. 8.

The American to the British Plenipotentiaries. Harley Street, June 24, 1815.

THE undersigned have the honour to acknowledge the receipt of the note of the British plenipotentiaries of the 23d instant, expressing their assent to the proposal of omitting the 3d and 5th articles of the *contre projet*. To the proposal of omitting also altogether any article upon the subject of the East Indies, and of signing an arrangement embracing all the provisions contained in the 2d article, the undersigned do not feel themselves authorized to accede. But they offer to sign a convention embracing that article entire, and the first separate article, the whole of which convention shall be limited to the term of four years from the date of the exchange of the ratifications, or they will agree to a convention for the sole purpose of abolishing all discriminating duties on American and British vessels, and their cargoes, in the intercourse between the United States and his Britannick majesty's territories in Europe, in the manner contemplated by the 2d article, and as explained and mutually agreed on in the conferences on that subject, omitting all the other provisions contained in the same article, and which had for object, to place the two countries, respectively, on the footing of the most favoured nation.

The undersigned request the British plenipotentiaries to accept the assurances of their distinguished consideration.

JOHN QUINCY ADAMS,
HENRY CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. J. Robinson,
H. Goulburn, Esq. and
Dr. William Adams.

No. 9.

The British to the American Plenipotentiaries. Board of Trade, June 26, 1815.

THE undersigned have the honour to acknowledge the receipt of the note of the American plenipotentiaries of

the 24th instant, in which they offer to sign a convention embracing the second article entire, and the first separate article; the whole convention to be limited to the term of four years from the date of the exchange of the ratification, or to agree to a convention for the sole purpose of abolishing all discriminating duties on American and British vessels and their cargoes, in the intercourse between the United States and the British territories in Europe, omitting all the other provisions contained in the same article, and which had for object to place the two countries respectively on the footing of the most favoured nation.

As neither of these proposals were contemplated in the instructions with which the undersigned were originally furnished, and which were framed with a view to a less limited arrangement; they have felt themselves under the necessity of referring the last note of the American plenipotentiaries to the consideration of their government, and will not fail to communicate the result of that reference as soon as they shall be enabled to do so.

The undersigned are happy to avail themselves of this opportunity of renewing to the American plenipotentiaries the assurances of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

To the American Plenipotentiaries.

No. 10.

The British to the American Plenipotentiaries. Board of Trade, June 29, 1815.

IN reference to the note which the undersigned had the honour to address to the American plenipotentiaries, on the 26th instant, they are now instructed to acquaint them that the British government is ready to agree to a convention for four years, (to be calculated from the date of its signature,) which shall contain the whole of the second article, as proposed by the undersigned, and as explained and mutually agreed upon in their several conferences, and also the first separate article, relating to the East Indies, as proposed on the part of Great Britain; the latter

article also to be in force for four years from the same date. The undersigned, in making this communication to the American plenipotentiaries, feel it to be their duty to state in the most explicit manner that, although in the earnest desire of promoting a good understanding between the two countries, the British government has at the present time, forborne to insist on making in the body of the treaty any marked distinction between its concession in regard to the East Indies and its other concessions for which a stipulated equivalent is obtained, yet that it still considers itself as granting to the United States a privilege in regard to the East Indies, for which it is entitled to require an equivalent; and the undersigned must therefore be distinctly understood as reserving to his majesty's government in any future negotiations the clear right either of withholding this privilege altogether, after the expiration of four years, or of renewing the grant of it for such equivalents, or subject to such modifications as expediency may seem to require at the time of such future negotiations.

The undersigned request to have the honour of seeing the American plenipotentiaries on Friday next, the 30th instant, at two o'clock, at the Board of Trade, and avail themselves of this opportunity of again offering the assurances of their high consideration.

F. J. ROBINSON,
HENRY GOULBURN,
WILLIAM ADAMS.

No. 11.

The American to the British Plenipotentiaries. Harley Street, June 30, 1815.

THE undersigned have had the honour to receive the note of the British plenipotentiaries dated the 29th instant, and stating the terms on which their government is ready to agree to a convention on the subject of the commercial intercourse between the United States and Great Britain.

The undersigned have already, in the conferences which they had the honour to hold with the British plenipotentiaries, expressed their opinion that the proposed

convention taken altogether was founded on principles of reciprocity, was equally advantageous to both parties, and contained in itself a fair equivalent for every presumed concession made by either party.—But both governments will undoubtedly have a clear right, after the expiration of four years, of refusing to renew or of subjecting to modifications any of the stipulations now agreed on which may appear to either party injurious, or requiring some further equivalent. The same earnest desire of promoting a good understanding between the two countries which has been expressed on the part of Great Britain has induced the undersigned to agree to a convention more limited both as to its objects and duration than they had contemplated, with a hope that in the mean time its deficiencies may be supplied and such other provisions may be adopted as will conduce to mutual convenience and tend to strengthen the relations of amity and friendship happily restored between the two countries.

The undersigned will have the honour to meet the British plenipotentiaries this day, and feel pleasure in renewing the assurances of their high consideration.

JOHN QUINCY ADAMS,
H. CLAY,
ALBERT GALLATIN.

The Rt. Hon. F. J. Robinson,
Henry Goulburn, Esq. and
Dr. William Adams.

THE undersigned his Britannick majesty's *chargé d'affaires* in the United States, has the honour to acquaint the American Secretary of State, for the information of the President, that he has received his royal highness the Prince Regent's ratification, in the name, and on the behalf of his majesty, of the commercial convention between the two countries, signed at London, on the 3d of last July, and that he has been authorized, and is ready, to proceed to the exchange, whenever the ratification on the part of the United States shall have taken place.

In communicating this intelligence, the undersigned has received the Prince Regent's commands, at the same time, to transmit to the government of the United States, the accompanying declaration, explanatory of the intentions

The first thing I noticed when I stepped out of the car was the cold. It was a sharp contrast to the warm blanket I had been sitting under. I looked up at the sky, which was a pale, hazy blue. The air smelled like wet earth and distant fires. I took a deep breath, feeling the cold air fill my lungs. I was alone in the vast, open landscape. The horizon was a straight line in the distance, and the ground was a mix of dirt and sparse vegetation. I felt a sense of isolation and wonder. The world was so big and so quiet. I walked a few steps, my boots crunching on the dry leaves. The sun was low in the sky, casting a soft, golden light over everything. I felt a small spark of hope in my chest. Maybe this was the beginning of something new. I looked back at the car, which was just a small speck in the distance. I turned and walked away, leaving the car behind. The road ahead was long and straight, leading me into the unknown. I felt a sense of adventure and excitement. The world was my oyster, and I was about to see what was inside.

I walked for hours, feeling the sun on my face and the wind in my hair. The landscape was beautiful, with rolling hills and valleys. I saw a few small towns and villages, but they were all so far away. I felt a sense of freedom and liberation. I was not bound by the rules of society or the expectations of others. I was just a person walking through the world, experiencing it all for the first time. I felt a sense of peace and tranquility. The world was so beautiful and so full of life. I felt a sense of awe and wonder. The world was so big and so full of possibilities. I felt a sense of hope and optimism. The world was my oyster, and I was about to see what was inside. I walked for days, feeling the sun on my face and the wind in my hair. The landscape was beautiful, with rolling hills and valleys. I saw a few small towns and villages, but they were all so far away. I felt a sense of freedom and liberation. I was not bound by the rules of society or the expectations of others. I was just a person walking through the world, experiencing it all for the first time. I felt a sense of peace and tranquility. The world was so beautiful and so full of life. I felt a sense of awe and wonder. The world was so big and so full of possibilities. I felt a sense of hope and optimism. The world was my oyster, and I was about to see what was inside. I walked for weeks, feeling the sun on my face and the wind in my hair. The landscape was beautiful, with rolling hills and valleys. I saw a few small towns and villages, but they were all so far away. I felt a sense of freedom and liberation. I was not bound by the rules of society or the expectations of others. I was just a person walking through the world, experiencing it all for the first time. I felt a sense of peace and tranquility. The world was so beautiful and so full of life. I felt a sense of awe and wonder. The world was so big and so full of possibilities. I felt a sense of hope and optimism. The world was my oyster, and I was about to see what was inside. I walked for months, feeling the sun on my face and the wind in my hair. The landscape was beautiful, with rolling hills and valleys. I saw a few small towns and villages, but they were all so far away. I felt a sense of freedom and liberation. I was not bound by the rules of society or the expectations of others. I was just a person walking through the world, experiencing it all for the first time. I felt a sense of peace and tranquility. The world was so beautiful and so full of life. I felt a sense of awe and wonder. The world was so big and so full of possibilities. I felt a sense of hope and optimism. The world was my oyster, and I was about to see what was inside. I walked for years, feeling the sun on my face and the wind in my hair. The landscape was beautiful, with rolling hills and valleys. I saw a few small towns and villages, but they were all so far away. I felt a sense of freedom and liberation. I was not bound by the rules of society or the expectations of others. I was just a person walking through the world, experiencing it all for the first time. I felt a sense of peace and tranquility. The world was so beautiful and so full of life. I felt a sense of awe and wonder. The world was so big and so full of possibilities. I felt a sense of hope and optimism. The world was my oyster, and I was about to see what was inside.

ABSTRACT OF DUTIES OF CUSTOMS PAID IN GREAT BRITAIN IN 1797 AND 1815.

	1797 Imported from Europe in		1797. Imported from U. S. A. in		1815. Imported from foreign countries in		Imported from British colonies.
	British ships.	Foreign ships.	British ships.	Americ. ships.	British ships.	Foreign ships.	
Pot and pearl ashes, the cwt.	l. s. d. $\frac{1}{20}$ 0 2 4 7	l. s. d. $\frac{1}{20}$ 0 2 4 7	free	l. s. d. $\frac{1}{20}$ 0 0 2 14	l. s. d. $\frac{1}{20}$ 0 11 1 0	l. s. d. $\frac{1}{20}$ 0 11 10 10	l. s. d. $\frac{1}{20}$ 0 1 7 0
Cotton wool, per lb.	free	free	free	free	free	free	free
Indigo	3 1 9 8	3 15 11 18	free	0 5 7 8	6 9 10 0	7 18 0	1 2 2 0
Iron, in bars, or unwrought, the ton,	28 17 6 0	28 17 6 0	free	0 0 6 12	0 17 5 0	0 17 5 0	0 7 11 0
“ in pigs, or pig-iron, every 1100 value,	19 1 1 16	9 1 1 16	19 1 1 16	20 17 5 8	B22 3 4 0 T35 5 0 0	same	B 2 4 4 0 T 3 6 6 0
Oil, train or hlubber, the tun of 252 gallons,	0 7 8 8	0 7 8 8	0 7 8 8	0 8 5 4	1 8 6 0	1 10 1 0	1 5 4 0
Rice, the cwt. (no duty if warehoused, in the king's stores, unless taken out for consum.)	0 2 4 7	0 2 5 8	0 1 6 18	0 1 8 14	0 4 9 0	0 5 6 10	0 3 0 0
Rosin, the cwt.	0 0 10 10	0 0 10 10	0 0 10 10	0 0 11 10	0 1 7 0	0 1 7 0	0 1 7 0
Snuff, the lb.	Excise Br. Pl. and Spanish West Indies, the lb.					0 2 8 10	
Do. United States of America,						0 3 4 10	
Spermaceti, viz: coarse and oily, the cwt.	0 18 6 12	0 18 6 12	0 18 6 12	1 0 3 16	34 16 8 0	34 16 8 0	4 19 9 0
fine, the lb.	0 0 8 8	0 0 8 8	0 0 8 8	0 0 9 4	0 1 4 5	same	
Tar, the last (of 12 barrels, each barrel 31 1-2 gallons,)	0 12 11 8	0 13 8 17	0 11 6 12	0 12 7 16	1 1 4 10	1 2 11 10	0 14 4 15
Tobaeco, the lb	0 0 6 6	0 0 6 6	0 0 6 6	0 0 6 6	3 16 6 15	same	same
If imported in American ships, the cwt.				0 1 6 0			
Turpentine, European, the cwt.	0 13 4 13	0 13 4 13			0 4 4 5	same	
American, the cwt. (countervailing duty,)			0 2 4 7	0 2 7 1	0 4 4 5	same	same
Whale fins, the ton, or 20 cwt.	102 15 10 16	102 15 10 16	102 15 10 16	112 11 8 8	95 0 0 0	95 0 0 0	4 18 0 0
WOOD UNMANUFACTURED, viz:							
Oak timber, 8 inches square, or upwards, the load of 50 cubick feet,	0 10 4 19	0 10 10 4	free	0 1 11 16	3 1 9 0	3 4 11 0	0 5 6 10
Timber, other than oak, 8 inches square or upwards, the load of 50 cubick feet,	0 10 6 0	0 10 8 2	free	0 1 0 0	3 4 11 0	3 8 1 0	0 2 4 10
Deals, exceeding 20 feet in length, and 4 inches in thickness, the 120	18 14 10 4	18 11 2 14	free	1 15 8 8			
8 and not exceeding 10 feet in length, and not ex. 1 1-2 in. in thickness, the 120	2 15 7 16	2 17 1 13	free	0 5 3 12	10 8 4 0	10 11 4 10	0 8 3 15
8 and not exceeding 20 feet, nor more than 3 1-4 inches in thickness, the 120	4 3 5 14	4 4 11 11	free	0 7 11 8	20 15 7 10	21 10 8 0	0 8 3 15
8 and not exceeding 20 feet, and exceeding 3 1-4 inches in thickness, the 120	8 6 11 8	8 8 5 5	free	0 15 10 16	41 11 1 0	43 10 4 0	0 8 3 15
Oak plank, 2 inches thick, or upwards, the load of 50 cubick feet,	1 0 9 18	1 1 8 8	free	0 1 11 16	5 16 4 10	6 0 4 0	0 8 3 15
PINE BOARDS, under eight inches square, viz:							
Above 5 feet 3 inches, and not exceeding 8 feet in length, the 120	1 11 6 0	1 11 9 3	free	0 3 0 0	9 2 10 10	9 5 3 0	0 8 3 15
Exceeding 8 feet in length, the 120	3 3 0 0	3 3 3 3	free	0 6 0 0	18 5 9 0	18 10 6 0	0 8 3 15
Pitch, last (of 12 barrels, of 31 1 2 gallons,)	0 13 0 7	0 13 8 7	0 11 6 12	0 12 7 16	1 8 6 0	1 10 1 0	1 5 4 0
STAVES, not exceeding three inches in thickness, nor seven inches in breadth, viz:							
1, not exceeding 36 inches in length, the 120	0 4 4 16	0 4 5 18	free	0 0 4 16	1 6 1 10	1 6 11 0	0 16 2 15
2, above 36 and not exceeding 50 inches in length, the 120	0 8 3 0	0 8 4 2	free	0 0 9 0	2 9 1 0	2 10 8 0	0 16 2 15
3, above 50 and not exceeding 60 inches in length, the 120	0 11 0 0	0 11 1 2	free	0 1 0 0	3 4 11 0	3 7 3 10	0 16 2 15
4, above 60 and not exceeding 72 inches in length, the 120	0 16 6 0	0 16 7 2	free	0 1 6 0	4 15 9 10	4 18 2 0	0 16 2 15
5, above 72 inches in length, the 120	0 19 3 0	0 19 4 2	free	0 1 9 0	5 8 5 10	5 14 0 0	0 16 2 15
Staves from the U. S. not exceeding 1 1-2 inch in thickness, subject to 1-3 of the above duties.	0 7 0 0	0 7 3 3	free	0 0 8 0	2 15 6 10	2 19 4 10	0 16 2 15
Spars, under 22 feet in length, and 4 inches in diameter, (exclusive of the bark,) the 120	0 11 6 10	0 12 0 18	free	0 1 1 4	4 17 4 10	5 1 4 0	0 16 2 15
22 feet or upwards in length, and under 4 inches in diameter, (do.) the 120	1 5 5 11	1 6 6 3	free	0 2 5 2	10 11 4 10	10 19 3 10	0 16 2 15
4 inches in diameter and under 6 inches, (exclusive of the bark,) the 120	0 1 2 9½	0 1 2 14	0 1 2 3½	0 1 3 10	0 9 6 0	0 11 1 0	0 3 2 0
Masts, 6 inches and under 8 inches in diameter, the mast	0 3 6 0	0 3 8 2	0 3 6 0	0 3 10 0	1 6 1 10	1 7 8 10	0 8 3 15
8 inches and under 12 inches in diameter, the mast	0 10 6 0	0 11 0 6	0 10 6 0	0 11 0 0	3 4 11 0	3 8 1 0	1 10 5 15
12 inches and upwards in diameter, the load of 50 cubick feet							

1797—Other unmanufactured wood, the growth of the United States, imported in British ships is free; in American ships, a duty of one tenth of the duty payable on the like articles, from any part of Europe.

All other goods, wares, and merchandise, the manufacture of the United States, (the importation on which is not prohibited,) may be imported directly, in British or American ships, paying the lowest duties of the like goods imported in British ships, from any part of Europe, subject to the countervailing duty of one tenth addition when imported in American ships.

of his majesty's government, in so far as regards the intercourse of vessels belonging to the United States with the island of St. Helena; the existing circumstances of the world having rendered it necessary that that island should, for the present, be excepted from the ports of refreshment enumerated in the third article of the said convention.

The undersigned avails himself of this opportunity of requesting the American Secretary of State, to accept the assurance of his high consideration.

ANTHONY ST. JNO. BAKER.

DECLARATION.

Washington, November, 24, 1815.

THE undersigned, his Britannick majesty's *charge d'affaires* in the United States of America, is commanded by his royal highness, the Prince Regent, acting in the name and on the behalf of his majesty, to explain and declare, upon the exchange of the ratifications of the convention concluded at London, on the 3d of July of the present year, for regulating the commerce and navigation between the two countries, that in consequence of events which have happened in Europe, subsequent to the signature of the convention aforesaid, it has been deemed expedient, and determined, in conjunction with the allied sovereigns, that St. Helena shall be the place allotted for the future residence of general Napoleon Bonaparte, under such regulations as may be necessary for the perfect security of his person: and it has been resolved, for that purpose, that all ships and vessels whatever, as well British ships and vessels as others, excepting only ships belonging to the East India company, shall be excluded from all communication with, or approach to, that island.

It has, therefore, become impossible to comply with so much of the 3d article of the treaty as relates to the liberty of touching for refreshment at the island of St. Helena; and the ratifications of the said treaty will be exchanged under the explicit declaration and understanding, that the vessels of the United States cannot be allowed to touch at, or hold any communication whatever with, the said

island shall continue to be the place of residence of the said Napoleon Bonaparte.

ANTHONY ST. JNO. BAKER.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING CORRESPONDENCE WITH SPANISH MINISTER. JAN. 26, 1816.

IN compliance with the resolution of the 24th, I transmit two letters from the envoy extraordinary and minister plenipotentiary of Spain, to the Secretary of State, with his answer.

JAMES MADISON.

Translation of a Letter from the Minister of Spain to the Secretary of State. Washington, December 30, 1815.

SIR,—The diplomatic relations between the king my master, and the United States being happily restored, and both governments being disposed, mutually to strengthen the ties of the most pure and perfect friendship, it is my duty to inform the President of whatever may contribute to so desirable an object; and remove the obstacles which may prevent it. On the important points on which this note must turn, I have written to you under other circumstances less favourable than the present. I will now confine myself to a plain and simple explanation of them.

The first of these points is: that the direct and official relations between Spain and the United States, having been broken off, since the year 1808, the affairs of both nations, as well as their respective frontiers, should now be placed in the same state and situation in which they were at that period; and that, in conformity to this principle, the part of West Florida, which the United States took possession of during the glorious insurrection of Spain, and have retained until this day, should be restored to his catholic majesty. This just and conciliatory measure, at the same time that it will convince the king, my master, of

the purity and sincerity of the sentiments of the American government, and of their disposition to arrange and terminate amicably the several points of negotiation, will not, in the least, impair the right which it may believe it has to the whole, or a part of the territory occupied, since it will remain subject, exactly as it was before its occupation, to a frank and friendly discussion between the two governments.

The second point, is as simple and obvious as the first, and I will treat of it with that confidence, with which I ought to be inspired by the indisputable justice of my importunity, the justification of the American government, and the importance of the affair.

It is known to you, and is universally publick and notorious that a factious band of insurgents and incendiaries, continue with impunity, in the province of Louisiana, and especially in New Orleans and Natchetoches, the uninterrupted system of raising and arming troops, to light the flame of revolution in the kingdom of New Spain, and to rob the pacifick inhabitants of the dominions of the king, my master. The invasion of the internal provinces, the horrible assassinations committed in San Antonio de Bexar, and the names of the perfidious perpetrators of such unheard of crimes, have acquired the publicity, which great crimes always will acquire. All Louisiana has witnessed these armaments; the publick enlistments (*los enganchse publicos*;) the transportation of arms; the junction of the insurgents and their hostile and warlike march from the territory of this republick against the possessions of a friendly and neighbouring power; neither threats, nor the laws, nor the indignation of well disposed citizens, nor even the proclamation of the President of the first of September last, intended to restrain these highway robbers, have been sufficient to stop their nefarious plans. On the contrary, they prosecute them with the greatest ardour and rancour, more and more exasperated at seeing the glorious triumphs of the Spanish nation, the adhesion of his subjects to an adored monarch, and the approaching re-establishment of the relations between our respective nations. It is known to me, that they are now enlisting, in New Orleans, men for other expeditions, both by land and water, to invade again the dominions of his catholick majesty, under the direction of ringleaders Jose Alvarez de Toledo, and Jose Manuel de

Herrera, who has just arrived at that city, with the appointment (as he says) of minister to the United States, from the self-styled Mexican congress, who has delivered to Toledo fifteen hundred commissions in blank, from that body of insurgents, that he may confer them on a like number of officers which he is recruiting in the territory of this Union. I omit mentioning to you other innumerable acts of this kind, which prove the publicity of these armaments, and the impunity with which they continue. I will confine myself to stating to you, that the most common practice of nations, and the authority of the best writers on publick law, would give a right to the king my master, to require of this government to deliver up these traitors, as incendiaries, enemies of all social order, and disturbers of the peace of his subjects; but as the object of my sovereign is not to avenge himself of this banditti, but to shield his subjects against their barbarity, I confine myself to asking of you to obtain of the President, orders for the prosecution of the principal persons concerned in this sedition, that is to say: Jose Alvarez de Toledo Anaya Ortiz; the self-styled minister, Manuel de Herrera; Doctors Robinson, Humbert; majors Piere and Preire and their followers, that they may be punished with all the rigour which the laws prescribe in cases of this kind.— That the troops, which they have raised, may be disarmed and dispersed, and that the necessary measures be taken to prevent, in future, these evil spirits from having an opportunity of pursuing their designs, and attempting to compromit the good intelligence which subsists between our respective governments. The President cannot but have seen with sensibility, as well the total want of effect of his proclamation, of the lenient measures which he had adopted against these criminals, who boast of recognising no law, subordination or moral principle as the protection and support which they have received and do receive from the authorities at New Orleans, contrary to his express orders. His excellency, as he is encharged by this republick with watching over its security and the observance of its treaties and laws, cannot but consider himself authorized to restrain the projects and hostile measures of a set of adventurers, who make open war against a friendly power from the territory of this confederation, compromitting its tranquillity and high character, by avail-

ing himself of the means which the constitution, the laws, and his prudence offer to him for obliging these persons to abandon their designs, and to manifest to his catholick majesty the just indignation with which the United States view the hostile plans, and the sedition of that band of incendiaries. I am certain that it cannot be concealed from the distinguished talents of the President and yourself, that the point of which I treat, is not one under the civil (or municipal) law, in which case my sovereign must have recourse to the ordinary tribunals ; but that it is a manifest and flagrant violation of the most sacred laws which bind together nations mutually—perpetrated by the citizens, or residents of the Union, of which the king, my master, gives information with positive and notorious proofs to the government under whose jurisdiction it has been executed, that they may give him competent satisfaction, with a knowledge of the act, by causing the delinquents to be punished as guilty of high treason against both governments.

The third and last point is reduced to this : that the President will be pleased to give the necessary orders to the collectors of the customs, not to admit into the ports of the United States vessels under the insurrectionary flag of Carthage-na, of the Mexican congress, of Buenos Ayres, or of the other places which have revolted against the authority of the king, my master, nor those coming from them. That they should not permit them to land, or to sell in this country, the shameful proceeds of their piracy, or atrocities, and much less to equip themselves in these ports, as they do, for the purpose of going to sea, to destroy and to plunder the vessels which they may meet with under the Spanish flag. This tolerance, subversive of the most solemn stipulations in the treaties between Spain and the United States, and diametrically opposed to the general principles of publick security and good faith, and to the laws of nations, produces the most melancholy effects on the interest and the prosperity of the subjects of his catholick majesty. Certain it is, that neither Carthage-na, nor any other place in the Spanish dominions in this hemisphere, which has revolted, can be in communication with any power friendly to Spain, since neither on its part, nor on that of any other government, has their independence been acknowledged ; and it is, consequently, an offence against the dignity of the Spanish monarchy, and against the sovereignty of the

king, my master, to admit vessels from such places, manned and commanded by insurgents, and armed in the dominions of this confederation; particularly as they are all pirates, who do not respect any flag, are justly considered the disgrace of the seas, and are execrated by all nations.

The three preceding points are of such established equity and justice, that it would be offensive to the delicacy of this government to suppose, that it could delay, under any pretext, to determine on them, in the manner I have proposed, and which I have an express order to request, (solicitar,) in the name of the king, my master. The prompt interposition of the President, that his majesty may be gratified, would be a new testimony of his friendly disposition towards Spain; an evident proof that he is determined to put an end to the incalculable extortions and injuries which Spain has suffered, for the space of seven years, from the gang of adventurers who have assailed her from the bosom of this republick; a means of fixing the frank and sincere system of good neighbourhood which so much interests both states; and finally, a sure preliminary to the removal of all the difficulties which may present themselves in the negotiations, which ought to terminate all the pending discussions between the two governments, and to fix for ever between them a perpetual and solid friendship.

If, as I flatter myself, the President gives all the attention which is due to affairs of such transcendent importance, and yields to my solicitations, I can assure his excellency, and yourself, that there will be nothing which the king, my master, will not be disposed to do, to satisfy this republick, which may be compatible with his dignity and with the interests of his subjects.

I renew to you the assurances of my particular respect, and of my constant desire to please you, and pray God to preserve your life many years.

LUIS DE ONIS.

Hon. James Monroe, &c. &c.

Translation which accompanied a Note of the 2d January, 1816, from the Chevalier de Onis, to the Secretary of State.

SIR,—Since the last note I had the honour to address you, under date of the 30th of December, I have received posi-

sive information that the expedition which the traitor Toledo was preparing in New Orleans, against the dominions of the king, my master, has been suspended until the arrival at that city of two bodies of troops, one thousand men from Kentucky, and three hundred from Tennessee, commanded by two American citizens, that were to be united in twenty-four days to the army of the insurgents. I abstain, sir, from offering to you any observations on a subject of such high importance, and so well established. I am well persuaded that his excellency the President will easily perceive that if the states of Kentucky, Tennessee, Louisiana, and Georgia, continue, as they do, allowing their citizens to commit hostilities against a friendly power, notwithstanding the orders he has issued for dispersing and disarming the gang of *desperadoes*, headed by Toledo, Humbert, Anaya, Bernardo Suteirier, Istri, doctor Robinson, majors Eurie and Preire, and their followers, the king, my master, will have reason to suspect, that if those meetings are not authorized by the government, they are at least tolerated. All the assurances I may give to my sovereign, of the friendly dispositions of his excellency the President, will not suffice, when compared with the evident proofs I had the honour to communicate to you in this and my former note; particularly when his majesty is well convinced of the resources and authority of the federal government, and the promptitude with which their orders are strictly observed in the whole Union. I do not entertain any apprehension of the result of the expedition of these incendiaries. The European wars being terminated, his majesty will be able to direct all his attention and his powerful armies, to stifle at once the growth of that insurrection; but the philanthropic heart of my sovereign, the humanity by which he is distinguished, and which constitutes the character of the Spanish nation, induce him to wish to re-establish order among the seduced, rather by mildness than by the force of arms, which cannot be effected without the effusion of the blood of his beloved subjects. This object cannot fail to be obtained as soon as the Mexican insurgents, and those of the internal provinces cease to be furnished, by the citizens of this republick, with arms, ammunition, and troops.

I shall never have the vain presumption to offer you, or the wise magistrate that is at the head of this administra-

tion, any observations on the consequences that might result against the interests of this republic by the independence of Spanish America. My wishes are only directed to equal you in moderation, and to re-establish, on the most firm and permanent basis, the relations between our governments. This sincere desire will, I hope, serve as an apology for me, while I take the liberty to present an hypothesis in this note.

I grant, for a moment, that all the Mexican empire erects itself into an independent state; that it adopts the wise constitution of this confederation; establishes a complete system of legislation; and, finally, that it enjoys all the blessings of liberty, in the same full extent as this republic. It is beyond question that the climate of Mexico is more temperate than that of the United States; the soil richer and more productive; the productions and fruits more abundant, rich, and of a superior quality; and that provisions, labour, wood, houses, clothing, &c. are, in consequence of the mildness and regularity of the climate, much cheaper than in this country. If this event should take place, do you not think, sir, as I do, that so many alluring prospects, and so many evident advantages, will deprive this republic of the successive emigrations from Europe? and, what is more, of a very considerable part of the most useful and industrious inhabitants of this confederation, who would carry with them to Mexico, their flour and saw mills, machines, manufactures, their enterprising genius, in a word, their general instruction, and all the means that actually promote and vivify the commerce of these states? I flatter myself that this event will not happen; but I am fully convinced, that the consequences of this hypothesis can be demonstrated almost with a mathematical certainty; and that if the citizens of Kentucky, Tennessee, Louisiana, and Georgia, should reflect deeply on this subject, far from giving any aid to those vagabonds, greedy of the acquisition of gold, and regardless of the happiness of their country, they would unite themselves with the authorities of the king, my master, to punish that gang of perfidious traitors, that hide themselves in these states, with the criminal design of devastating their country. I hope, sir, you will have the goodness to overlook this digression, to which I have been carried by my warm

desire of strengthening the most perfect friendship between the two nations, and to inform his excellency the President, that the orders I claim in his catholic majesty's name, directed to the trial and punishment of the ringleaders of those armies, and to the prohibition of exporting arms, of any kind, from this country to the provinces, against my sovereign's authority, are of the greatest importance, and are supported by the existing treaty of friendship, limits, and navigation, between Spain and the United States, especially the 16th article.

I expect, sir, your answer to these important points, and I have the honour to be, &c.

The Secretary of State to the Chevalier de Onis, Envoy Extraordinary and Minister Plenipotentiary of his Catholick Majesty. Department of State, Jan. 19, 1816.

SIR,—I have had the honour to receive your letters of the 30th of December and 2d of January last, and to submit them to the President.

You demand that your sovereign shall be put in possession of West Florida; that certain persons whom you have mentioned shall be arrested and tried on the charge of promoting insurrection in the Spanish provinces, and exciting citizens of the United States to join in it; and thirdly, that the flags of Carthagená, the Mexican Congress, Buenos Ayres, and other revolting provinces, shall be excluded from the ports of the United States.

On the re-establishment of the diplomatic relations between the United States and Spain, it was hoped that your government would not have confined its attention to the objects in which Spain is alone interested, but have extended it to the injuries of which the United States have so long and so justly complained, with a view to such reparation as it might now be able to make. The subjects are in their nature intimately connected. In some important circumstances, indeed, it is impossible to separate them, since the exposition of the wrongs of the United States, affords the proper answer, in those instances, to the complaints of Spain. It is my duty to bring these wrongs into view, that they may be duly considered and provided for, in case your government has, as I am bound to presume, invested you with adequate powers for the purpose.

At a period anterior to either of the circumstances mentioned in your letters, the United States had suffered great injury by the unlawful seizure and condemnation of their vessels, in the ports of Spain. A treaty providing an indemnity for those spoliations was agreed to and signed by a minister duly authorized by each government; but its ratification, though negotiated and concluded in the presence of the Spanish government, was afterwards declined by it. At an anterior period too, the deposite at New Orleans, stipulated by the treaty of 1795, was suppressed. As the United States had done no injury to Spain, these acts, so hostile in their nature, and injurious in their effect, excited much surprise. It had been the uniform object of this government, to make such arrangements with Spain, respecting the free navigation of the Mississippi, and the boundaries, as securing to our citizens the full enjoyment of their rights, would place the peace and friendship of the two countries on a solid and durable basis. With this view, it was sought to obtain of Spain, at a fair equivalent, the territory eastward of the Mississippi. Overtures to this effect, were made to the Spanish government, and rejected. Being renewed, the minister of the United States was informed, that Spain had ceded Louisiana to France, to whom he was referred for the acquisition of such territory in that quarter, as he might be instructed to make. On the last very important event, the suppression of the deposite at New Orleans, a special mission was instituted to France and Spain, the object of which was, to avert, by amicable negotiation and arrangement, the calamities of war. Affairs had more especially by this act of violence and hostility, reached a crisis, which precluded the idea of temporary palliatives. A comprehensive and permanent arrangement had become indispensable, of which, it was presumed, the governments of France and Spain would be equally sensible. The cession of Louisiana by France to the United States, was the immediate consequence of this mission, with such a description of its boundaries by the treaty as, it was presumed, would leave no cause of controversy with Spain.

The mission had thus succeeded in a very important object; but there were others, of a similar character, which remained to be adjusted. The differences with Spain still existed, and to them was added a circumstance of much

interest, proceeding from the acquisition of Louisiana, the unsettled boundaries of the province, which were now to be established with Spain. Under the influence of the same policy, the special mission was ordered soon afterwards to Madrid, to invite a negotiation, for the arrangement of all these important concerns. Spain still held territory to the eastward of the Perdido, which, by her cession of Louisiana, and its transfer to the United States, was separated from her other dominions, and lay, except on the side of the ocean, exclusively within our limits. The importance of this territory to Spain, in consequence of these events, in any view which might be taken of it, seemed to be much diminished, if not entirely lost; while in certain views of which it was susceptible, it might prove highly injurious. There was danger that the continuance of a Spanish colony there, might produce jealousy and variance between the two nations. On the other hand, the United States had acquired territory westward of the Mississippi, adjoining the provinces of Spain, which it was supposed she might be desirous of obtaining. By mutual cessions of territory, in quarters most convenient to each other, and by forming an interval between their possessions, to remain vacant, the danger of collision might be avoided, and their good understanding more effectually preserved. By rendering justice likewise to the claims of the United States, their citizens would be contented, and their government be better enabled to control their conduct beyond their limits. Here, then, seemed to be a fair ground for amicable compromise between the parties. An opportunity was presented for terminating every difference, and securing their future harmony, without loss or sacrifice by either. On the result of this mission I need not enlarge. I shall remark only that the friendly policy which produced it, was not reciprocated by your government; it was perhaps not felt; it was certainly disregarded. Every proposition of the American ministers, having these objects in view, was rejected, and none made in return, by your government.

This conduct of your government, would have justified, if it did not invite, the most decisive measures on the part of the United States. The refusal to make reparation for preceding injuries, or to surrender any portion of the territory, in the possession of Spain, to which they consider-

ed their title indisputable, or to accept fair and liberal propositions for the accommodation of these differences, or to make a proposition of any kind, for the purpose, left the United States perfectly free to pursue such course as, in their judgment, a just regard to the honour, rights, and interests of the nation might dictate. In the condition of Spain, there was nothing to excite apprehension of the consequences, whatever might be the course decided on. Of this, the well known state of the peninsula, at the time, and since, and of the Spanish provinces in America, affords ample proof. The friendly policy which the United States have since pursued; is the more conspicuous, from the consideration, that your government has inflexibly maintained, the unjust and hostile attitude which it then assumed, and has even added new injuries and insults to those of which I have already complained. I refer, in this latter remark, to the breaches of the neutrality of Spain, which her government permitted, if it did not authorize, by British troops, and British agents, in Florida, and through that province, with the Creeks and other Indian tribes, in the late war with Great Britain, to the great injury of the United States. It is under these circumstances that you have made the demands above recited, to which I will now proceed to give a more particular reply.

You require that Spain shall be put into possession of West Florida, as an act of justice, before a discussion of the right of the parties to it is entered on.

It is known to your government, that the United States claim by cession, at a fair equivalent, the province of Louisiana, as it was held by France prior to the treaty of 1763, extending from the river Perdido, on the eastern side of the Mississippi, to the Bravo, or Grande, on the western. To the whole territory within those limits, the United States consider their right established by well known facts, and the fair interpretation of treaties. In a like spirit may the United States demand, the surrender of all the territory above described, now in the occupancy of Spain, as a condition to the commencement of any negotiation for the adjustment of differences. When we consider how long your government has maintained, what is deemed an unjust possession; more especially, when we recollect that the injuries before received are still unredressed, and that others have been since rendered, there

can be, it is presumed, but one opinion, as to the great moderation of this government, in acquiescing in it. But why restore this province to Spain, if it is the intention of your government, to make the title to it, in connexion with other differences, a subject of amicable negotiation and arrangement? May not such a negotiation be entered into, as well while it is in the occupancy of the United States, as if it were in that of Spain?

You demand next, that Mr. Toledo and others, whom you mention, charged with promoting revolt in the Spanish provinces, and exciting citizens of the United States to join in it, shall be arrested and tried—their troops disarmed and dispersed.

You intimate that troops are levying in Kentucky, Tennessee, Louisiana, and Georgia, for the invasion of the Spanish provinces, of whom one thousand are from Kentucky, and three hundred from Tennessee, to be commanded by American citizens, but you do not state at what points these men are collected, or by whom commanded; and as to the forces said to be raised in Louisiana and Georgia, your communication is still more indefinite. The information recently obtained by this department, from persons of high consideration, is of a very different character. It is stated that no men are collected, nor is there evidence of an attempt or design to collect any in Kentucky, Tennessee, or Georgia, for the purpose stated; and that the force said to be assembled under Mr. Toledo is very inconsiderable, and composed principally of Spaniards and Frenchmen. If any portion of it consists of citizens of the United States, their conduct is unauthorized and illegal. This force is not within the settled parts of Louisiana, but in the wilderness, between the settlements of the United States and Spain, beyond the actual operation of our laws. I have to request that you will have the goodness to state, at what points in Kentucky, Tennessee, Georgia, and Louisiana, any force is collected, the number in each instance, and by whom commanded. If such force is collected, or collecting, within the United States, for the purpose suggested, or other illegal purpose, it will be dispersed, and the parties prosecuted, according to law.

This government is under no obligation, nor has it the power, by any law or treaty, to surrender any inhabi-

tant of Spain or the Spanish provinces, on the demand of the government of Spain; nor is any such inhabitant punishable by the laws of the United States for acts committed beyond their jurisdiction, the case of pirates alone excepted. This is a fundamental law of our system. It is not, however, confined to us. It is believed to be the law of all civilized nations, where not particularly varied by treaties.

In reply to your third demand, the exclusion of the flag of the revolting provinces, I have to observe, that in consequence of the unsettled state of many countries, and repeated changes of the ruling authority in each, there being, at the same time, several competitors, and each party bearing its appropriate flag, the President thought it proper, some time past, to give orders to the collectors, not to make the flag of any vessel a criterion or condition of its admission into the ports of the United States. Having taken no part in the differences and convulsions which have disturbed those countries, it is consistent with the just principles, as it is with the interests of the United States, to receive the vessels of all countries into their ports, to whatever party belonging, and under whatever flag sailing, pirates excepted, requiring of them only the payment of the duties, and obedience to the laws while under their jurisdiction; without adverting to the question, whether they had committed any violation of the allegiance or laws obligatory on them in the countries to which they belonged, either in assuming such flag, or in any other respect.

In the differences which have subsisted between Spain and her colonies, the United States have observed all proper respect to their friendly relations with Spain. They took no measure to indemnify themselves for losses and injuries; none to guard against the occupancy of the Spanish territory by the British forces in the late war, or to occupy the territory to which the United States consider their title good, except in the instance of West Florida, and in that instance under circumstances which made their interposition as much an act of accommodation to the Spanish authority there, as of security to themselves. They have also prohibited their citizens from taking any part in the war; and the inhabitants of the colonies and other foreigners connected with them, from re-

eruiting men in the United States for that purpose. The proclamations which have been issued by the governours of some of the states and territories, at the instance of the President, and the proclamation lately issued by the President himself, are not unknown to your government. This conduct, under such circumstances, and at such a time, is of a character too marked to be mistaken by the impartial world.

What will be the first result of the civil war, which prevails between Spain, and the Spanish provinces in America, is beyond the reach of human foresight. It has already existed many years, and with various success, sometimes one party prevailing, and then the other. In some of the provinces, the success of the revolutionists appears to have given to their cause more stability than in others. All that your government had a right to claim of the United States, was, that they should not interfere in the contest, or promote, by any active service, the success of the revolution, admitting that they continued to overlook the injuries received from Spain, and remained at peace. This right was common to the colonists. With equal justice might they claim, that we would not interfere to their disadvantage: that our ports should remain open to both parties, as they were before the commencement of the struggle; that our laws regulating commerce with foreign nations should not be changed to their injury. On these principles the United States have acted.

So much have I thought proper to state, respecting the relations existing between the United States and Spain. The restoration of the diplomatic intercourse between our governments, forms an epoch which cannot fail to be important to both nations. If it does not produce a result favourable to their future friendship and good understanding, to your government will the failure be imputable. The United States have at all times been willing to settle their differences, on just principles and conditions, and they still are. Of this I informed you in my letter of the 5th of May, as I likewise did Mr. Cevallos, in a letter of the 17th of July. It will be very satisfactory to the President, to find that your government entertains now the same disposition, and has given you full power to conclude a treaty for these purposes.

I have the honour to be, &c.

JAMES MONROE.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS, RELATIVE TO TRANSACTIONS AT DARTMOOR PRISON. JAN. 31, 1816.

I TRANSMIT a Report of the Secretary of State, complying with a resolution of the 4th instant.

JAMES MADISON.

THE resolution of the House of Representatives of the 4th instant, requesting the President to cause to be laid before that House, (if in his opinion it will not be inconsistent with the publick welfare,) any authentick information he may have received, or communications which may have passed between this government and the government of Great Britain, in relation to the transactions at Dartmoor prison, in the month of April last, as far as the American prisoners of war, there confined, were affected by such transactions, having been referred to the Secretary of State, he has the honour to submit to the President, the accompanying papers, marked A, B, and C, as containing all the information in this department, called for by the resolution, or immediately connected with it.

All which is respectfully submitted.

JAMES MONROE.

Department of State, January 31st, 1816.

List of Papers, in Packet marked A.

Extract of a Minute of a Conversation which took place at Lord Castlereagh's, between his Lordship and Messrs. Clay and Gallatin, on the 16th of April, 1815.

Extract of a Letter from Messrs. Clay and Gallatin, to Mr. Beasely, dated the 18th of April, 1815.

Letter of Mr. Charles King to Mr. Adams, dated Plymouth, 26th April, 1815.

Report of Messrs. Larpent and King, upon the occurrence at Dartmoor Prison, dated 26th of April, 1815.

Letter of Lord Castlereagh to Messrs. Clay and Gallatin, dated 22d of May, 1815.

Letter of Messrs. Clay and Gallatin to Lord Castlereagh, dated 24th of May, 1815.

Extract of a Letter from Mr. Adams to the Secretary of State, dated 23d of June, 1815.

Letter of Mr. Baker, his Britannick Majesty's Charge d'Affaires, to the Secretary of State, dated August 3, 1815.

Letter of the Secretary of State to Mr. Baker, dated December 11, 1815.

Extract of a Minute of a Conversation which took place at Lord Castlereagh's, between his Lordship and Messrs. Clay and Gallatin, April 16th, 1815.

LORD CASTLEREAGH began by adverting to the unfortunate event which had taken place at Dartmoor, and proposed that, as a statement of the transaction had been received from the American prisoners differing very materially in fact from an inquiry instituted by the port admiral, some means should be devised of procuring information as to the real state of the case; in order, either on the one hand, to satisfy the United States that the lives of their citizens, however unfortunately, had not been wantonly sacrificed, or, on the other, to enable the British government to punish their civil and military officers, if they should be found to have resorted to measures of extreme severity without necessity, or with too much precipitation. He therefore proposed, that one of the American commissioners should proceed to Dartmoor, with one of the gentlemen with whom they had negotiated at Ghent, and after examining the persons concerned, and such other evidence as might be thought necessary, should make a joint report upon the facts of the case. That as neither government could have any other wish beyond that of clearing up a transaction which might, if left unexplained, and as it now stood, upon *ex parte* statements, create much irritation between the two countries, so the British government had no desire to screen any person whose conduct might have been improper or precipitate.

The American commissioners agreeing to the principles of lord Castlereagh's proposition, so far as related to the advantage of having a joint report upon the facts of the case, entertained doubts whether they could with proprie-

ty take such a duty upon themselves ; and suggested that Mr. Beasley, from the situation which he held in this country, appeared to them better qualified for the task. Lord Castlereagh replied, that it was only from a desire of giving to any report which might be made, the sanction of the highest authority, that he had suggested the employment of the commissioners themselves ; and deeming it of the most essential importance to satisfy the publick in both countries on this subject, he was induced to prefer his original proposition ; but that he must of course leave it to the American commissioners to decide whether Mr. Beasley was better fitted for this service, and that upon receiving the result of their consideration of the subject, the government would appoint some person properly qualified to meet the American gentleman who might be so selected ; such person being either one of the late British commissioners at Ghent, or a commissioner of the transport board, according as the American commissioners might decide upon going themselves or sending Mr. Beasley. Lord Castlereagh then entered upon the immediate release of the American prisoners of war detained in this country. After stating the inconvenience of retaining in confinement men who had a right under a treaty of peace to be liberated, he requested information as to whether Mr. Beasley was proceeding in the measures which he understood to have been taken for conveying them back to America.

The American commissioners stated that Mr. Beasley had certainly taken up some transports, on his own responsibility, previous to the receipt of instructions from America ; but that the American government considered the restoration of prisoners to imply their re-conveyance to their own country by the power detaining them ; and the American commissioners did not know whether Mr. Beasley had either authority or funds for continuing the service which he had, on his own view of the subject, commenced.

Lord Castlereagh stated, that he saw no objection to adopting some such measure as that which had been adopted in America, and proposed that such party should defray half the expense of conveying the prisoners from this country to America, leaving the ultimate construction of the treaty for future arrangements. But he remarked,

that the article on which the doubt had arisen, being founded on principles of perfect reciprocity, it appeared to him scarcely consonant with those principles, that the only expense to be defrayed by the United States should be that of conveying the British prisoners from the United States to Bermuda or Halifax, while Great Britain should have not only to convey to America the American prisoners now in this country, but also to bring home from colonies nearly as distant as the United States all her own prisoners.

Extract of a Letter from H. Clay and Albert Gallatin, Esquires, to Mr. Beasley. London, April 18, 1815.

“AT the request of lord Castlereagh, we have had interviews with him and Mr. Goulburn, on the subjects of the transportation of the American prisoners now in this country, to the United States, and of the late unfortunate event at the depot at Dartmoor.”

“On the [latter] subject, as a statement of the transaction has been received from the American prisoners, differing very materially in fact from that which had resulted from an inquiry instituted by the port admiral, it has been thought advisable that some means should be devised of procuring information as to the real state of the case, in order on the one hand, to show that there had not been any wanton or improper sacrifice of the lives of American citizens, or on the other, to enable the British government to punish their civil and military officers, if it should appear that they have resorted to measures of extreme severity, without necessity, or with too much precipitation.

Lord Castlereagh proposed that the inquiry should be a joint one, conducted by a commissioner selected by each government. And we have thought such an inquiry most likely to produce an impartial and satisfactory result.

We presume that you will have too much occupation on the first subject, and the other incidental duties of your office, to attend to this inquiry in person. On that supposition, we have stated to the British government, that we should recommend to you the selection of Charles King, Esq. as a fit person to conduct it in behalf of the

American government. If Mr. King will undertake the business, he will forthwith proceed to Dartmoor, and in conjunction with the British commissioner, who may be appointed on the occasion, will examine the persons concerned, and such other evidence as may be thought necessary, and make a joint report upon the facts of the case, to J. Q. Adams, Esq. minister plenipotentiary of the United States at this court, and to the British government.

The mode of executing this service must be left to the direction of Mr. King and his colleague. If they can agree upon a narration of the facts, after having heard the evidence, it will be better than reporting the whole mass of testimony in detail, which they may perhaps find it necessary to do, if they cannot come to such an agreement."

We are, &c.

H. CLAY,
ALBERT GALLATIN.

R. G. Beasely, Esq. &c.

*Mr. Charles King to Mr. Adams. Plymouth, April 26,
1815.*

SIR,—In pursuance of instructions received from Messrs. Clay and Gallatin, I have now the honour to transmit to you, the report prepared by Mr. Larpent and myself, on behalf of our respective governments, in relation to the unfortunate transaction at Dartmoor prison of war, on the 6th of the present month. Considering it of much importance that the report, whatever it might be, should go forth under our joint signatures, I have forborne to press some of the points which it involves, as far as otherwise I might have done; and it therefore may not be improper in this letter to enter into some little explanation of such parts of the report. Although it does appear that a part of the prisoners were, on that evening, in such a state and under such circumstances as to have justified, in the view which the commander of the depot could not but take of it, the intervention of the military force, and even in a strict sense the first use of fire arms, yet I cannot but express it as my settled opinion, that by a conduct a little more temporizing, this dreadful alternative of firing upon the unarmed prisoners might have been avoided. Yet,

as this opinion has been the result of subsequent examination, and after having acquired a knowledge of the comparatively harmless state of the prisoners, it may be but fair to consider whether in such a moment of confusion and alarm as that appears to have been, the officer commanding could have fairly estimated his danger or have measured out with precision the extent and nature of the force necessary to guard against it. But when the firing became general, as it afterwards appears to have done, and caught with electrick rapidity from the square to the platforms, there is no plea nor shadow of excuse for it, except in the personal exasperation of the soldiery : nor for the more deliberate, and therefore more unjustifiable, firing which took place into three of the prisons, No's. 1, 3, and 4, but more particularly into No. 3, after the prisoners had retired into them, and there was no longer any pretence of apprehension as to their escape. Upon this ground, as you, sir, will perceive by the report, Mr. Larpent and myself had no difference in opinion, and I am fully persuaded that my own regret was not greater than his, at perceiving how hopeless would be the attempt to trace, to any individuals of the military, these outrageous proceedings.

As to whether the order to fire came from captain Shortland, I yet confess myself unable to form any satisfactory opinion, though perhaps the bias of my mind is that he did give such an order. But his anxiety and exertions to stop it, after it had continued some little time, are fully proved ; and his general conduct previous to this occurrence, as far as we could with any propriety enter into such details, appears to have been characterized by great fairness and even kindness, in the relation which he stood towards the prisoners.

On the subject of any complaints existing against their own government by the prisoners, it was invariably answered to several distinct questions put by me on that head, that none whatsoever existed, or had been expressed by them, although they confessed themselves to entertain some animosity against Mr. Beasley, to whom they attribute their detention in this country ; with what justice, you, sir, will be better able to judge. They made no complaint whatsoever as to their provisions, and general mode of living and treatment in the prison.

I have transmitted to Mr. Beasley, a list of the killed and wounded on this melancholy occasion, with a request that he would forward it to the United States, for the information of their friends at home; and I am pleased to have it in my power to say, that the wounded are, for the most part, doing well.

I have also enclosed, to Mr. Beasley, the notes taken by me of the evidence adduced before us, with a request that he would have them fairly copied; as also a copy of the depositions taken before the coroner, and desired him to submit them to you when in order.

I cannot conclude, sir, without expressing my high sense of the impartiality and manly fairness with which this inquiry has been conducted on the part of Mr. Larpent, nor without mentioning that every facility was afforded to us in its prosecution, as well by the military officers commanding here and at the prison, as by the magistrates of the vicinity.

I have the honour to be, sir, with much respect, your most obedient, very humble servant,

CHARLES KING.

To His Excellency J. Q. Adams, &c.

Report of Messrs. Larpent and King, upon the occurrence at Dartmoor Prison. April 26, 1815.

WE, the undersigned commissioners, appointed on behalf of our respective governments, to inquire into, and report upon the unfortunate occurrence of the 6th of April, instant, at Dartmoor prison, having carefully perused the proceedings of the several courts of inquiry, instituted immediately after that event, by the orders of admiral sir John T. Duckworth, and major general Brown, respectively; as well as the depositions taken at the coroner's inquest, upon the bodies of the prisoners, who lost their lives upon that melancholy occasion; upon which inquest, the jury found a verdict of "*justifiable homicide*," proceeded immediately to the examination, upon oath, in the presence of one or more of the magistrates of the vicinity, of all the witnesses, both American and English, who offered themselves for the purpose, or who could be discovered as likely to afford any material information on the subject; as well those who had been previously examined

before the coroner, as otherwise, to the number in the whole of above eighty. We further proceeded to a minute examination of the prison, for the purpose of clearing up some points, which upon the evidence alone were scarcely intelligible, obtaining from the prisoners, and from the officers of the depot, all the necessary assistance and explanation, and premising that we have been, from necessity, compelled to draw many of our conclusions from statements, and evidence highly contradictory. We do now make upon the whole of the proceedings, the following

REPORT.

DURING the period which has elapsed, since the arrival in this country, of the account of the ratification of the treaty of Ghent, an increased degree of restlessness, and impatience of confinement, appears to have prevailed amongst the American prisoners at Dartmoor; which, though not exhibited in the shape of any violent excesses, has been principally indicated by threats of breaking out, if not soon released. On the 4th of this month in particular, only two days previous to the event the subject of this inquiry, a large body of the prisoners rushed into the market square, from whence by the regulations of the prison, they are excluded, demanding bread instead of biscuit, which had on that day been issued by the officers of the depot. Their demands, however, having been then almost immediately complied with, they returned to their own yards, and the employment of force, on that occasion, became unnecessary.

On the evening of the 6th, about 6 o'clock, it was clearly proved to us, that a breach or hole had been made in one of the prison walls, sufficient for a full sized man to pass; and that others had been commenced in the course of the day, near the same spot, though never completed: that a number of the prisoners were over the railing, erected to prevent them from communicating with the sentinels on the walls, which was of course forbidden by the regulations of the prison; and that, in the space between the railing and those walls, they were tearing up pieces of turf, and wantonly pelting each other in a noisy and disorderly manner. That a much more considerable num-

ber of the prisoners were collected together, at that time, in one of their yards, near the place where the breach was effected; and that, although such collection of prisoners was not unusual at other times (the gambling tables being commonly kept in that part of the yard) yet when connected with the circumstances of the breach, and the time of the day, which was after the horn, (the signal for the prisoners to retire to their respective prisons,) had ceased to sound; it became a natural and just ground of alarm to those who had charge of the depot.

It was also in evidence, that in the building, formerly the petty officers' prison, but now the guard barrack, which stands in the yard; to which the hole in the wall would serve as a communication, a part of the arms of the guard, who were off duty, were usually kept in the racks; and though there was no evidence that this was in any respect the motive which induced the prisoners to make the opening in the wall, or even that they were ever acquainted with the fact, it naturally became at least a further cause for suspicion and alarm, and an additional reason for precaution.

Upon these grounds captain Shortland appears to us to have been justified in giving the order, which about this time he seems to have given, to sound the alarm bell, the usual signal for collecting the officers of the depot, and putting the military on the alert. However reasonable and justifiable this was, as a measure of precaution, the effects produced thereby in the prisons, but which could not have been intended, were most unfortunate and deeply to be regretted. A considerable number of prisoners in the yards where no disturbance existed before, and who were either already within their respective prisons, or quietly retiring as usual towards them, immediately upon the sound of the bell, rushed back, from curiosity, as it appears, towards the gates, where, by that time, the crowd had assembled; and many who were at the time absent from their yards, were also, from the plan of the prison, compelled, in order to reach their own homes, to pass by the same spot. And thus, that which was merely a measure of precaution, in its operation increased the evil it was intended to prevent.

Almost at the same instant that the alarm bell rang (but whether before or subsequent, is upon the evidence doubt-

ful, though captain Shortland states it positively as one of his further reasons for causing it to ring) some one or more of the prisoners broke the iron chain which was the only fastening of No. 1 gate, leading into the market square, by means of an iron bar; and a very considerable number of the prisoners immediately rushed towards that gate, and many of them began to press forward as fast as the opening would permit into the square.

There was no direct proof before us of previous concert or preparation on the part of the prisoners, and no evidence of their intention or disposition to effect their escape on this occasion, excepting that which arose by inference from the whole of the above detailed circumstances connected together.

The natural and almost irresistible inference to be drawn, however, from the conduct of the prisoners, by captain Shortland and the military, was, that an intention on the part of the prisoners to escape was on the point of being carried into execution, and it was at least certain that they were by force passing beyond the limits prescribed to them at a time when they ought to have been quietly going in for the night.

It was also in evidence that the outer gates of the market square were usually opened about this time to let the bread wagon pass and repass to the store, although at the period in question they were in fact closed.

Under these circumstances and with these impressions necessarily operating upon his mind, and the knowledge that if the prisoners once penetrated through the square, the power of escape was almost to a certainty afforded to them, if they should be so disposed; captain Shortland in the first instance proceeded down the square, towards the prisoners, having ordered a part of the different guards, to the number of about fifty only at first (though they were increased afterwards) to follow him. For some time, both he and Dr. Magrath endeavoured by quiet means and persuasion to induce the prisoners to retire to their own yards, explaining to them the fatal consequences which must ensue, if they refused, as the military would in that case be necessarily compelled to employ force. The guard was by this time formed in the rear of captain Shortland, about two thirds of the way down the square: the latter is about 100 feet broad, and the guards extended

nearly all across. Captain Shortland, finding that persuasion was in vain, and that although some were induced by it to make an effort to retire, others pressed on in considerable numbers, at last ordered about fifteen file of the guard, nearly in front of the gate which had been forced, to charge the prisoners back to their own yards.

The prisoners were in some places so near the military, that one of the soldiers states, he could not come fairly to the charge, and the military were unwilling to act as against an enemy. Some of the prisoners also were unwilling and reluctant to retire, and some pushing and struggling ensued between the parties, arising partly from intention, but mainly from the pressure of those behind, preventing those in front from getting back. After some little time however, this charge appears to have been so far effective, and that with little or no injury to the prisoners, as to have driven them for the most part quite down out of the square, with the exception of a small number who continued their resistance, about No. 1 gate.

A great crowd still remained collected after this, in the passage between the square and the prisoners' yards, and in the part of these yards in the vicinity of the gates. This assemblage still refused to withdraw, and according to most of the English witnesses, and some of the American, was making a noise, hallooing, insulting, and provoking, and daring the military to fire; and according to the evidence of several of the soldiers, and some others, was pelting the military with large stones, by which some of them were actually struck. This circumstance is however denied by many of the American witnesses; and some of the English, upon having the question put to them, stated that they saw no stones thrown previously to the firing, although their situation at the time was such, as to enable them to see most of the other proceedings in the square.

Under these circumstances the firing commenced. With regard to any order having been given to fire, the evidence is very contradictory; several of the Americans swear very positively, that captain Shortland gave that order, but the manner in which, from the confusion of the moment, they describe this part of the transaction, is so different in its details, that it is very difficult to reconcile their testimony. Many of the soldiers and other English wit-

nesses heard the word given by some one ; but no one of them can swear it was by captain Shortland, or by any one in particular ; and some, amongst whom is the officer commanding the guard, think if captain Shortland had given such an order, that they must have heard it, which they did not. In addition to this, captain Shortland denies the fact, and from the situation in which he appears to have been placed at the time, even according to the American witnesses, in front of the soldiers, it may appear somewhat improbable that he should then have given such an order. But however it may remain a matter of doubt whether the firing first began in the square by order, or was a spontaneous act of the soldiers themselves, it seems clear, that it was continued and renewed both there and elsewhere without orders, and that on the platforms, and in several places about the prison, it was certainly commenced without any authority.

The fact of an order having been given at first, provided the firing was under the existing circumstances justifiable, does not appear very material in any other point of view, than as showing a want of discipline and self-possession in the troops if they should have fired without orders.

With regard to the above most important consideration of "whether the firing was justifiable or not," we are of opinion, under all the circumstances of the case, from the apprehension which the soldiers might fairly entertain, owing to the number and conduct of the prisoners, that this firing, to a certain extent, was justifiable in a military point of view, in order to intimidate the prisoners, and compel them thereby to desist from all acts of violence, and to retire as they were ordered, from a situation, in which the responsibility of the agent and military could not permit them with safety to remain.

From the fact of the crowd being so close and the firing at first being attended with very little injury, it appears probable that a large proportion of the muskets were, as stated by one or two of the witnesses, levelled over the heads of the prisoners, a circumstance, in some respects, to be lamented, as it induced them to cry out "blank cartridges," and merely irritated and encouraged them to renew their insults to the soldiery, which produced a repetition of the firing, in a manner much more destructive.

The firing in the square having continued for some time by which several of the prisoners sustained injuries, the greater part of them appear to have been running back with the utmost confusion and precipitation to their respective prisons—and the cause for further firing seems at this period to have ceased. It appears accordingly, that captain Shortland was in the market square exerting himself and giving orders to that effect, and that lieutenant Fortye had succeeded in stopping the fire of his part of the guard.

Under these circumstances it is very difficult to find any justification for the further renewal and continuance of the firing which certainly took place both in the prison yards and elsewhere, though we have some evidence of subsequent provocation given to the military, and resistance to the turnkeys in shutting the prisons, and of stones being thrown out from within the prison doors.

The subsequent firing appears rather to have arisen from the state of individual irritation and exasperation on the part of the soldiers who followed the prisoners into their yards, and from the absence of nearly all the officers who might have restrained it, as well as from the great difficulty of putting an end to a firing when once commenced under such circumstances. Captain Shortland was from this time busily occupied with the turnkeys in the square, receiving and taking care of the wounded. Ensign White remained with his guard at the breach, and lieutenants Avelyn and Fortye, the only other subalterns known to have been present, continued in the square with the main bodies of their respective guards.

The time of the day, which was the officers' dinner hour, will in some measure explain this, as it caused the absence of every officer from the prison whose presence was not indispensable there. And this circumstance which has been urged as an argument to prove the intention of the prisoners to take this opportunity to escape, tended to increase the confusion and to prevent those greater exertions being made, which might perhaps have obviated at least a portion of the mischief which ensued. At the time that the firing was going on in the square, a cross fire was also kept up from several of the platforms on the walls round the prison, where the sentries stand, by straggling parties of soldiers who ran up there for that purpose. As far as this fire was directed to disperse the men assem-

bled round the breach, for which purpose it was most effectual, it seems to stand upon the same ground, as that in the first instance in the square. But that part which it is positively sworn, was directed against straggling parties of prisoners running about the yards and endeavouring to enter the few doors, which the turnkeys, according to their usual practice, had left open, does seem as stated to have been wholly without object or excuse, and to have been a wanton attack upon the lives of defenceless, and, at that time, unoffending individuals.

In the same or even in more severe terms, we must remark upon what was proved, as to the firing into the doorways of the prisons, more particularly into that of No. 3 prison, at a time when the men were in crowds at the entrance.

From the position of the prison and of the door, and from the marks of the balls, which were pointed out to us, as well as from the evidence, it was clear, this firing must have proceeded from soldiers a very few feet from the door-way; and though it was certainly sworn, that the prisoners were at the time, of part of the firing at least, continuing to insult and occasionally to throw stones at the soldiers, and that they were standing in the way of and impeding the turnkey who was there for the purpose of closing the door—yet still there was nothing stated which could in our view at all justify such excessively harsh and severe treatment of helpless and unarmed prisoners, when all idea of escape was at an end.

Under these impressions we used every endeavour to ascertain if there was the least prospect of identifying any of the soldiers who had been guilty of the particular outrages here alluded to, or of tracing any particular death, at that time, to the firing of any particular individual, but without success, and all hopes of bringing the offenders to punishment should seem to be at an end.

In conclusion, we the undersigned, have only to add, that whilst we lament, as we do most deeply, the unfortunate transaction which has been the subject of this inquiry, we find ourselves totally unable to suggest any steps to be taken as to those parts of it which seem most to call for redress and punishment.

CHARLES KING,
FRANCIS SEYMOUR LARPENT.

Plymouth, April 26, 1815.

Lord Castlereagh to Messrs. Clay and Gallatin. Foreign Office, May 22, 1815.

GENTLEMEN,—I lost no time in laying before the Prince Regent the report made by Mr. Larpent and Mr. King, respectively appointed on the part of his majesty's government, and that of the United States of America, to inquire into the circumstances of the late unfortunate occurrence at Dartmoor prison.

His royal highness has commanded me to express, through you, to the government of America, how deeply he laments the consequences of this unhappy affair.

If any thing can tend to relieve the distress which his royal highness feels on this occasion, it is the consideration, that the conduct of the soldiers was not actuated by any spirit of animosity towards the prisoners, and that the inactivity of the officers may be attributed rather to the inexperience of militia forces than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war.

But as his royal highness has observed, at the same time, with sincere regret, that although the firing of the troops upon the prisoners may have been justified, at its commencement, by the turbulent conduct of the latter, yet that the extent of the calamity must be ascribed to a want of steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion. His royal highness has been pleased to direct the commander in chief to address to the commanding officer of the Somerset militia his disapprobation of the conduct of the troops, which it is trusted will make a due impression on the minds of the officers and men who were engaged in this unfortunate transaction.

As an additional proof of the sentiments which animate the Prince Regent on this occasion, I am further commanded to express his royal highness's desire to make a compensation to the widows and families of the sufferers; and I have to request that you, gentlemen, would make this known to your government, inviting them, at the same time, to co-operate with his majesty's charge d'affaires in the United States in investigating the respective claims, for the purpose of fulfilling his royal highness's benevolent intentions upon this painful occasion.

I request that you will accept the assurance of the dis-

tinguished consideration with which I have the honour to
be, &c. CASTLEREAGH.

To Henry Clay, Esq.
and Albert Gallatin, Esq. -

*Copy of a Letter from Messrs. Clay and Gallatin to Lord
Castlereagh. Hanover Street, Hanover Square, May
24, 1815.*

MY LORD,—We have the honour to acknowledge the
receipt of your lordship's official note of the 22d instant.

Having, as we have already informed your lordship, no
powers on the subject to which it refers, we will lose no
time in transmitting it to our government. We will also
place in the possession of the American minister, near his
Britannick majesty's government, whose arrival here we
daily expect, a copy of your lordship's note, together with
a statement of what had previously passed respecting the
unfortunate event at Dartmoor.

We embrace the opportunity of tendering, &c.

H. CLAY,
ALBERT GALLATIN.

The Right Honourable
Viscount Castlereagh, Secretary
of State for the Foreign Department, &c.

*Extract of a Letter from Mr. Adams to the Secretary of
State. June 23, 1815.*

“ HE (lord Castlereagh) then mentioned the late unfortu-
nate occurrence at Dartmoor prison, and the measures
which had been taken by agreement between him and
Messrs. Clay and Gallatin on that occasion. I said I had
received a copy of the report made by Mr. King and Mr.
Larpent, after their examination into the transaction, and
of the written depositions which had been taken as well
on that examination, as previously at the coroner's in-
quest:—that after what had been done, I considered the
procedure as so far terminated, that I was not aware of
any further steps to be taken by me, until I should receive
the instructions of my government on the case.—From the
general impression made on my mind from the evidence
that I had perused, I regretted that a regular trial of cap-

tain Shortland had not been ordered, and I thought it probable that such would be the opinion of my government. He said that undoubtedly there were cases in which a trial was the best remedy to be resorted to, but there were others in which it was the worst.—That a trial the result of which would be an acquittal, would place the whole affair in a more unpleasant situation, than it would be without it.—That the evidence was extremely contradictory—that it had been found impossible to trace to any individual the most unjustifiable part of the firing, and that captain Shortland denied having given the order to fire. I admitted that the evidence was contradictory, but said that from the impression of the whole mass of it upon me, I could not doubt either that captain Shortland gave the order to fire, or that under the circumstances of the case, it was unnecessary. It was true, the result of a trial might be an acquittal, but, as it was the regular remedy for a case of this description, the substitution of any other was susceptible of strong objections, and left the officer apparently justified, when I could not but consider his conduct as altogether unjustifiable.”

Mr. Baker, his Britannick Majesty's charge d'Affaires, to the Secretary of State. Philadelphia, August 3, 1815.

SIR,—In a communication made by viscount Castlereagh, his majesty's principal secretary of state for foreign affairs, to Messrs. Clay and Gallatin on the 20th of last May, relative to the unfortunate occurrence at Dartmoor prison, his lordship expressed to those gentlemen, by the command of his royal highness the Prince Regent, how deeply his royal highness lamented the consequences of that unhappy affair, and that if any thing could have alleviated the distress which his royal highness felt on that occasion, it was the consideration that the conduct of the soldiers had not been actuated by any spirit of animosity towards the prisoners, and that the inactivity of the officers was to be attributed rather to the inexperience of a militia force, than to any want of zeal or inclination to afford that liberal protection which is ever due to prisoners of war. His lordship likewise informed them, that although the firing appeared to have been justified at its commencement by the turbulent conduct of the prisoners, yet that as the extent of the calamity was to be ascribed to a want of

steadiness in the troops, and of exertion in the officers, calling for the most severe animadversion, his royal highness has been pleased to direct the commander in chief to address to the commanding officer of the Somerset militia, his disapprobation of the conduct of the troops, so that a due impression might be made on the minds of the officers and men engaged in that unfortunate transaction.

As an additional proof of the sentiments which animated the Prince Regent on this painful occasion, his lordship was also further commanded to express to Messrs. Clay and Gallatin his royal highness's desire to make a compensation to the widows and families of the sufferers.

In reiterating these sentiments, on the part of his majesty's government, for the information of the President of the United States, I have the honour to acquaint you, that I have been directed to concert with the American government the most efficient means of carrying into execution these benevolent intentions of his royal highness, the Prince Regent, and shall be ready, with a view of expediting the arrangements to be made to proceed without delay to Washington for the purpose of communicating with you personally on the subject, should it suit your convenience to meet me there. I beg leave at the same time to suggest, as a necessary preliminary to any measures which may be adopted, that information should be procured from the different states with respect to the families of the sufferers, and any other circumstances which may facilitate the completion of the arrangements alluded to. I have the honour to be, &c.

ANTHONY ST. JOHN BAKER.

The Hon. James Monroe, &c.

*The Secretary of State to Anthony St. John Baker, Esq.
his Britannick Majesty's Charge d'Affaires. Washing-
ton, Department of State, Dec. 11, 1815.*

SIR,—I have had the honour to receive your letter of the 3d of August, communicating a proposition of your government to make provision for the widows and families of the sufferers in the much to be lamented occurrence at Dartmoor.

It is painful to touch on this unfortunate event, from the deep distress it has caused to the whole American people. This repugnance is increased by the consideration that our governments, though penetrated with regret, do not agree in sentiment, respecting the conduct of the parties engaged in it.

Whilst the President declines accepting the provision contemplated by his royal highness the Prince Regent, he nevertheless does full justice to the motives which dictated it. I have the honour to be, &c.

JAMES MONROE.

Anthony St. John Baker, Esq.

His Britannick Majesty's Charge d'Affaires.

(B)

Devon, to wit: Informations of witnesses severally taken and acknowledged on the behalf of our sovereign lord the king, touching the death of John Haywood at the prison of war at Dartmoor in the parish of Lidford, in the county of Devon, the 8th day of April, in the fifty-fifth year of the reign of our sovereign lord king George the third, before Joseph Whiteford, gentleman, one of the coroners of his said majesty, for the said county, on an inquisition then and there taken on view of the body of the said John Haywood, then and there lying dead, as follows :

THOMAS EDWARDS, a private soldier in his majesty's first regiment of Somerset militia, on his oath, saith—That he is stationed with the said regiment at the barracks at Dartmoor, adjoining the prison of war there. That on Thursday last the sixth day of this present month of April, he was on the guard called the west piquet guard, and at the hour of half past six in the evening was fixed as sentinel in what is called the barrack guard, which is situated within the walls of the prison, but the yard allotted to the prisoners is separated from the barrack yard by a stone wall—that about the hour of seven in the evening of the same day, he, this informant, was near his post, when he heard a noise as if some persons on the other side of the wall were attempting to undermine it, whereupon he went

to that part of the wall from whence the noise proceeded, and on looking at the wall he perceived that the mortar between the stones was moving at the height of between three and four feet from the ground, whereupon this informant immediately went to the corner of a building which is called the cook house, and alarmed the sentinel nearest to this informant on the wall, and desired him to order the piquet out. That this informant then returned to the spot where he had seen the mortar moving, and by this time there was a hole made through the wall large enough for this informant to put his musket and bayonet through, and on looking through the hole in the wall he saw a great number of the prisoners, he believes to the number of three or four hundred assembled together near the hole in the wall; and he thinks that there were altogether upwards of one thousand assembled nearly around the same place. That this informant spoke to the prisoners through the wall, and ordered them off several times, but many of the prisoners declared that they would not go, and they still continued beating against the wall; and this informant observed that one of the prisoners had an iron bar in his hand, with which he was tearing down the wall, and the prisoners within the prison were at this time hallooing and making a great noise; that the prisoners continued beating against the wall until they had made a hole in it large enough for the largest man in the prison to pass through, when this informant cocked his musket and presented it towards the prisoners, threatening to fire at them unless they desisted, when the prisoners abused this informant, asked him why he did not fire, and said he was afraid to do so, and they still continued tearing down the wall of the prison; that shortly after the piquet guard came to this informant's assistance, and then this informant left that part of the wall and went to his post; that lieutenant White of the same regiment commanded the piquet guard, and this informant heard him order the prisoners to go from the wall, but they refused to do so, and still continued tearing the wall down; that some of the men of the piquet guard threatened to fire at the prisoners, but lieutenant White told them that they should not fire, and remained in the barrack yard with his party, where the hole was; that about half past seven o'clock, whilst this informant was at his post, he heard

the report of several muskets in the direction of the market-place, but did not leave his post; and at this time the prisoners were still beating against the wall on the inside at several different places, but after many muskets had been discharged they quitted the wall; that this informant remained at his post until he was relieved at half past eight o'clock, and during this time no musket was fired in the barrack yard, and after this informant was relieved he did not hear the report of any muskets, and the firing had entirely ceased; and this informant further saith, that he was not within the walls of the prison, and did not see any musket discharged, but only heard the report of them.

THOMAS EDWARDS.

Sworn before me,

THOMAS WHITEFORD, Coroner.

SAMUEL WHITE, a lieutenant in his majesty's regiment of first Somerset militia, on his oath saith: that on Thursday last the sixth day of this present month April, he, this informant had the west guard of the prison of war at Dartmoor, and about half past six o'clock in the evening he was in the guard room, when in consequence of some information he received, he ordered out the guard, and proceeded with it to the barrack yard, which adjoins that part of the prison distinguished by number seven, and is separated therefrom by a stone wall; that Charles Edwards now present, was then a sentinel in the barrack yard, and at his post, and at the distance of about fifteen yards from the post where Edwards was the sentinel, he, this informant, observed a hole in the wall, which separated the barrack yard from the prison, large enough for a man of any size to come through; that at this time there were a great number of prisoners within the wall near the hole, and several of them tearing down the wall, and he particularly noticed two of the prisoners with iron bars in their hands removing the stones from the wall; that this informant spoke to the prisoners repeatedly, and desired them to desist from what they were about, and told them unless they did, the whole of the military would be called out, and obliged to commit violence to compel them to desist, but the prisoners still continued tearing down the wall, and repeated volleys of turf and stones were

thrown through the opening the prisoners had made in the wall, and over it at this informant and the guard; and this informant was struck by some of the mortar and stones taken from the wall, and thrown at him by the prisoners, and several of the men complained of having been also struck with the stones thrown; that this informant did not see captain Shortland, the agent for the prisoners at war, in the barrack yard after this informant came; that when this informant spoke to the prisoners who were about the wall, they abused this informant and the guard, declared they would not leave the spot, and said "*fire,*" "*fire;*" that the prisoners within the walls of the prison were, throughout, in a state of disturbance, and whilst some of them were tearing down the wall, the rest were huzzaing and making a great noise, and at this time it was about the hour in the evening when the prisoners are usually locked up in their different prisons; that he, this informant, had been in the barrack yard about fifteen minutes, when he heard the prisoners huzzaing and making a great noise adjoining the yard where the market is held, which is the principal entrance to the prison, and at the same time he heard the alarm bell ring, and the drum beat to arms, and immediately after he heard the report of a single musket, which proceeded as in a direction from the prison gates, leading into the market-place; and this informant then proceeded towards the market-place, to ascertain by whose orders the firing had commenced, leaving the picket guard under the care of the sergeants, and in his way to the market-place, he heard several other muskets discharged in the same direction as the former, whereupon he immediately returned to his guard, without going to the market-place, and still found the prisoners tearing down the wall between the prison, and the barrack yard, endeavouring to widen the breach. That the prisoners continued tearing down the wall, when some muskets were fired from the walls by the sentinels, towards the place where the breach was, whereupon the number of prisoners near the breach lessened considerably, many running towards their respective prisons, and others towards the principal gate. That some of the prisoners attempted to force their way through the breach, when he, this informant, ordered the guard to charge, and warned

the prisoners against the consequences that would follow ; that this informant, was at this time at the breach in the wall, and part of his body was through, to see what was passing within the walls, and he then observed that the principal rush of the prisoners was towards the main gate, leading to the market-place, and just at this moment he, this informant, heard a volley of musketry discharged in the market-place, and immediately after, the prisoners began to retreat ; and shortly after, this informant saw the guard and the rest of the soldiers who were not on guard, pass on the inside of the prison wall, opposite the breach, and they were drawn up in front of the prison, No. 7, and major Jolliffe was persuading the prisoners to go to their prisons, but many of them remained at the prison door, abusing the military. That after a considerable effort on the part of the guard, the prisoners were driven into No. 7 prison, and the door locked. That at the time this informant heard the volley of musketry in the market-place, or immediately after, there were several muskets fired from the different platforms where the sentinels were placed, but the firing ceased instantly after the soldiers entered the prison yard ; that this informant, remained with the guard until half past eight o'clock at night, when every thing was reported to be quiet, when by order of the field officer, the guard was returned to the guard room, that there was not a musket discharged in the barrack yard, and he, this informant, saw no person killed or wounded ; that when this informant saw the prisoners rush towards the gates, they were in a very riotous, disorderly state, and they appeared to this informant, as if determined to force their passage through the gateway ; that the soldiers on guard are directed to refrain from any communication with the prisoners, to prevent the prisoners from getting over the iron railing, within the walls of the prison, and likewise to prevent the prisoners from tearing down, or undermining the walls ; that in case the prisoners do not desist from such practices when spoken to, the guard is to be alarmed, but the sentinels are ordered not to fire unless in cases of absolute necessity, or where a prisoner or prisoners is, or are in the act of escaping from the prison. That on the fourth day of April, instant, this informant was also on the guard, and the prisoners were then very disorderly, and

refused to obey the commands, insomuch that the guards were turned out, the alarm bell rung, and the drums beat to arms; and at this time, which was about seven o'clock in the evening, the prisoners had forced the gates of the prison, and had the possession of the whole of the market-place, and their demand was then for bread instead of biscuit, which this informant understood had been offered them instead of bread, there being much biscuit in store, but on the sixth day of April, instant, he did not hear the prisoners assign any cause for their conduct. And this informant further saith, that on the seventh day of April, instant, he attended admiral sir Josias Rowley, and captain Schornberg to the walls of the prison, and heard the admiral speak to the prisoners from the platform at the main gates, opposite the prison, No. 7, and requested to know their grievances, and why the breaches had been made in the wall, and the gates forced, when one of the prisoners, whom this informant understood to be one of the committee, said in reply to the admiral, that there was no cause of complaint, and that the breach made in the wall, was to get a ball which had been thrown over the wall by some of the boys; that the prisoner said, that the chain at the gates was not sufficiently strong, and the press at the gates was so strong, that the gates were forced open, and one or two hundred rushed out, but that there was no intention to escape; that when this informant saw the prisoners breaking down the wall on the sixth day of April, instant, the persons employed about it were all men, and they were all the time abusing the military, and during the time this informant was in the barrack yard, no person asked for a ball, or said a ball had been thrown over the wall.

SAMUEL WHITE,

Lieut. 1st Somerset regt. Militia.

Sworn before me,

JOS. WHITEFORD, Coroner.

JOHN MITCHELL, one of the clerks in the office of Thomas George Shortland, Esq. the agent for prisoners of war at Dartmoor, in the parish of Lidford, in the county of Devon, on his oath saith: That on Thursday the sixth day of April instant, about a quarter before seven in the evening, he, this informant, was in his own room, the duty of the day having been finished, except receiving the

evening report, when one of the turnkeys, called Richard Arnold, came to this informant's room, and in consequence of information which he gave, this informant walked towards the south guard, accompanied by Mr. John Bennett, store clerk at the prison, and observed the officer of the guard on the platform, and this informant went on the platform and saw a great number of prisoners between the iron railing within the walls of the prison and the wall of the military way, which is a place where the prisoners are not permitted to go, and the prisoners were throwing peat and other light articles. That this informant then went to the guard-room, where there was a report that a breach had been made by the prisoners in the hospital wall, where he immediately went, but saw no appearance of breach there. That he then returned to the lodge, and finding that the west guard were not at their post, he went to the north guard and requested the sergeant to assemble his guard, and they followed this informant to the station of the west guard. That this informant then went to the front of the principal entrance to the prison, and saw captain Shortland in the front of the prison, and the gate of the prison nearest to the hospital was open, and the prisoners were coming through the gates of the prison towards the upper gates, in a body, at a quick pace, making a great noise, and using the word "keeno," which this informant has frequently heard the prisoners use, when they were bent on any thing. That captain Shortland advanced towards the prisoners, calling on the guard to follow, form, and be steady, and directed them to keep possession of the market-square. That this informant followed captain Shortland, keeping between him and the military, and this informant heard captain Shortland desire the prisoners to return quietly to their prisons, for fear of any unpleasant consequences, and he repeatedly urged the prisoners to return to their prison, but they still continued advancing, speaking in a riotous manner, and making a great noise; and at this moment he, this informant, also saw the surgeon, Dr. M'Grath, speaking to the prisoners, and he heard him persuade the prisoners to return. That at this time, he, this informant, observed a large body of prisoners assembled at the other gate, or the opposite side of the market-place, and proceeded towards this gate with an intention of observing their conduct minutely, but

on hearing a noise on his left he turned around and observed the prisoners were much further up the square. more numerous, and part of the guards had charged their bayonets towards the prisoners to force them down, and almost at the same moment he, this informant, heard the report of a musket discharged, and the sound came from where the guard were charged to force the prisoners down, but this informant did not see any person fall. That he, this informant, ran and got in the rear of the military, and almost instantly a discharge of musketry took place from the guards who were forcing the prisoners down, and shortly after he heard various discharges of musketry from different parts of the prison. That he, this informant, did not hear any person give orders to fire. That several muskets were fired in the market-square, but what number he cannot say, and immediately after the firing had ceased, he heard captain Shortland call for turnkeys to take up the wounded. That this informant made his way through the military, with some of the turnkeys, and the first person he saw was a black man lying on the ground, on his face, apparently dead; and there was another man wounded in the square, and sitting in the sentry box, but this informant did not notice any other. That there was then an outcry from the military for the key of the gate which leads to number five and seven prison, and this informant went and procured a turnkey, who brought the key and opened the gate, and after some of the military had passed in, this informant went inside the gate, and there saw a white man lying on the ground, also apparently dead; and at this time this informant heard the report of several single muskets, at different parts of the prison, apparently as if from the walls, and considering it unsafe, he retired behind the military, and went again to the lodge, where he remained until there was a call for turnkeys to shut up the prison, when he procured the necessary turnkeys and sent them down, and then went towards the military himself, and at captain Shortland's request, went to ascertain the number of prisoners who had been sent up, and afterwards, by order of captain Shortland, went to the surgery ward of the hospital to receive the wounded, and ascertain their number; and whilst there he received thirty-four prisoners, who were wounded, and one dead man was also brought to the hospital by mistake. That

this informant remained there until he was sent for by captain Shortland to report the number. That at the time the first musket was fired, he thinks that there were about five hundred prisoners in the market-square, and the foremost of them were behaving in a very riotous and disorderly manner, quite disrespectful to captain Shortland, and without appearing to pay the least attention to what captain Shortland or Dr. Magrath were saying, and though requested to retire, they continued to advance, and seemed to this informant as if determined to force their way to the upper gates, which were then opened to permit the bread wagon to go out. That since the twenty-sixth day of March last, there has been much dissatisfaction among the prisoners in the prison, towards Mr. Beasley, the American agent, whom the prisoners understood was appointed to send them home; and on the fourth day of April instant, about seven o'clock in the evening, the prisoners got open the gates leading to the market-square, and came up and occupied the square until about ten o'clock, when they retired to their respective prisons. That this informant went to the gates and spoke to some of the prisoners, and also went inside amongst them, and asked what they came up for, when they replied, it was because they had had no bread that day. That the transport board had permitted the contractor to issue biscuit, of which he had a store, for his contract, and it was arranged by captain Shortland, that they were to have it only one day in a week, and the prisoners had been offered their rations of biscuit, which was one pound of biscuit instead of one pound and a half of soft bread, but they had refused to accept it throughout the day, but remained quiet till the evening. That on the sixth day of April instant, soft bread had been issued to the prisoners, as usual, and captain Shortland had on the fifth, communicated to the committee for the prisoners, that he did not intend to issue any biscuit without further directions from the board. That this informant did not observe any thing thrown by the prisoners at the military, in the evening of the sixth, and did not see the prisoners armed with any offensive weapons. That if the prisoners had forced their way to the upper gate of the market square, there would have been no obstacle to their getting out of the prison, as all the gates were open. That about a quarter of an hour

previous to this informant seeing the prisoners coming in a body through the gate, the usual horn, the signal for their retiring to their respective prisons, had been blown, and continued to blow nearly the whole of the time.

JOHN MITCHELL.

Sworn before me,

JOS. WHITEFORD, Coroner.

RICHARD ARNOLD, one of the turnkeys at the prison of war at Dartmoor on his oath saith—that on the 6th day of April instant, he, this informant was stationed at the lower gate in the market square adjoining to the wall of the military hospital. That just before seven o'clock in the evening this informant went on the platform in the front of the gates of the prison leading into the market square when he saw a great number of prisoners between the iron railing and the military wall, which separates the military way from the prison, and went and reported the circumstance to Mr. Mitchell, and from thence went to Mr. Holmden the clerk of the agent at the prison, and then this informant returned towards the lodge, and there met Mr. Holmden with a guard, and he went into the prison with them to turn the prisoners from between the railing and the wall, and this informant went to the lower gate again. That just as this informant got to the gate he heard a sentinel call from the barrack yard to a sentinel on the platform near the market square, that the prisoners were breaking a hole through the barrack wall, and desiring him to call the guard. That this informant immediately went to the west guard and called them, and when the guard was turned out captain Shortland came through the lodge, and went with the guard to the barrack yard, and this informant went there also, after having called the north and south guard to be in readiness if they were wanted.—That on coming into the barrack yard he observed a hole in the wall on the south side of the cook room large enough for a man to creep through, and he saw a great number of prisoners through the hole in the wall who were abusing the soldiers and the captain. That this informant then returned to the market square leaving captain Shortland in the barrack yard, and the horn was then sounding for the prisoners to turn into their respective prisons, when he observed a large

body of prisoners collected between the iron railing in the front of the prisons, and they were attempting to force the gates which were locked and secured by an iron chain, and were very riotous.—That this informant went away to call the guard and met captain Shortland at the upper gate.—That the guard was outside by the guard house, drawn out, and captain Shortland called to them to follow him, and this informant returned with him, and by this time the prisoners had forced the gate, and many hundreds had assembled in the market square.—That captain Shortland desired the soldiers to draw up, be steady, and keep their ground, and the soldiers formed just across the square.—That this informant saw captain Shortland go up in front of the military and heard him desire the prisoners to go in, or otherwise he should be obliged to use means which he should be very sorry for. That the prisoners were very riotous, calling out “kecno,” “keeno,” several times, and advanced instead of retiring, when some of the soldiers came to a charge, and this informant made the best of his way to get in their rear, and just after he got in the rear he heard a single musket, and soon after he heard several muskets discharged, but the muskets were at first elevated so high, that he does not think a single shot touched either of the prisoners, and he then observed that many of the prisoners had got a great way in the yard, when some of them called out “fire you buggers, you have no shot in your pieces or guns”—when the military fired again and this informant heard a great cry amongst the prisoners, and almost immediately he heard captain Shortland call for the turnkeys to help the wounded away.—That this informant saw one man dead in the gateway of prison No. 7, and saw several men carried towards the hospital wounded, but he does not know any of them.—That this informant did not hear any person give orders to fire—that he was near to captain Shortland when the firing first began, and if captain Shortland had given any orders to fire he thinks that he must have heard them.—That between the first discharge and the second the prisoners had retreated from the market square towards the prison, but had made a stand when the second firing commenced.—That he did not see the prisoners armed with any offensive weapons, nor did he see them throw any stones at the military.—That the same evening, after the prisoners were

locked up, he went into the prison yard, and saw several places in the wall where the stones had been taken out, but there was only one hole entirely through the wall.

RICHARD ARNOLD.

Sworn before me,

JOS. WHITEFORD, Coroner.

STEPHEN HALL, one of the turnkeys at the prison of war at Dartmoor, on his oath saith: that on the sixth day of April instant, about a quarter before seven o'clock in the evening, he went into the market square, and went to the lower gate, when he saw some of the prisoners come over in a body from the wall which separates the barrack yard from the prison, and they came to the gate next to the hospital, and forced the gate open, and went up towards the market square; that this informant was close by captain Shortland in the square and heard the captain desire them to go back, but they said they would not; that there were some soldiers at this time formed in the market square, and when the prisoners refused to retire they came to a charge, and then this informant went to the rear, when he heard a single musket fire; and at this time he had not heard any person give orders to fire nor did he hear any such orders given afterwards; that after the musket was fired he went towards the lodge, and heard several muskets fired, and shortly after heard the captain call for the turnkeys to bring up the wounded, when this informant went down and assisted in taking up two wounded men, one of them in the market square and the other in the prison, and he also picked up one man dead in the market square, but he does not know the man; that when this informant saw the prisoners coming across the yard towards the gate they were behaving in a very riotous manner, and this informant observed that they had some iron bars, and he thinks that three of the men had an iron bar each; that he did not see either of the men attempt to strike with them, and he did not see either of the prisoners throw any thing towards the military; that this informant heard the alarm bell ring just before he saw the prisoners come across the prison and force the gate; that after they had forced the gate this informant persuaded the prisoners to go back, but they refused to do so; that they made no complaints whatever in this informant's hearing; that on the seventh

day of April instant, he was at the lower gate, when he heard some persons who were walking between the railing, and they were talking about a black man that was killed, and this informant heard the prisoners say, if the black man had not been killed he would have killed captain Shortland, and that he had a knife in his pocket prepared to stab him; that there was no person present with this informant at the time he heard this conversation, and he does not know the prisoners who were talking together.

STEPHEN HALL.

Sworn before me,

JOSEPH WHITEFORD, Coroner.

RICHARD CEPHUS, an American prisoner of war, on his oath saith: that he hath this day seen the bodies of several men lying dead at the dead-house in the hospital at Dartmoor, and amongst them he saw the body of John Haywood, a black man; that John Haywood was in prison number four, with this informant, and on Thursday last, about half past five in the evening he went to the privy adjoining to prison number four, and had not been there above a few minutes, when he heard a firing of musketry as from the market square and the ramparts around the prison; that at first there was a single musket which he heard the report of, and immediately after several volleys were fired; that about six o'clock he came out of the privy, and then saw John Haywood going down to go out of the prison, and asked him where he was going, he said he was going out to see what the firing was about, and parted from this informant; that this informant went back to the privy, and about ten minutes after he heard that Haywood was dead, but did not see him till this day; that this informant was not out in the prison-yard from four o'clock in the afternoon of the sixth day of April instant, until the following day about half past eight in the morning.

The mark ✕ of
RICHARD CEPHUS.

Sworn before me,

JOSEPH WHITEFORD, Coroner.

GEORGE MAGRATH, surgeon at the hospital at the prison of war at Dartmoor, on his oath saith: that on

the sixth day of April instant, about ten minutes before seven o'clock in the evening, whilst sitting in his own house, he heard the alarm bell ring on the outside of the prison and immediately ran out, and on arriving at that part of the military way which fronts the market square, he saw a line of soldiers drawn up on the outside of the square fronting the outer gate; that on looking into the square he observed a considerable body of the prisoners advancing up the square, and having understood that the prisoners were breaking out, this informant with as much haste as he could, advanced towards them; as soon as this informant got amongst them, he began to exhort them to return quietly into the prison, and told them that he feared any attempt of that kind (meaning an attempt to escape) would be attended with serious consequences; that many of the prisoners told this informant that they were kept an unnecessary length of time in prison after they considered themselves as free, or some words to that effect; that this informant observed to them that their detention appeared to be entirely the fault of their own agent Mr. Beasley, and several of those whom this informant had addressed appearing to be sensible of the truth of what this informant had advanced, went back and retired towards the gate leading into the prison from the market-square; that this informant continued to address himself to others, and whilst expostulating with them this informant saw the soldiers march down the square and form in a line fronting the prisoners, about the middle of the square, and during this time greater numbers of the prisoners were pressing up through the gate, and whilst this informant was still using language to those whom he addressed, calculated to induce them to return into prison, he heard a voice, but whose it was this informant did not know, ordering the soldiers to charge; that at this time captain Shortland was near to this informant, and he appeared to be employing the same means as he, this informant, was, to induce the prisoners to return to the prison; that on hearing the word charge given, he looked around (for his back was then to the soldiers and his face towards the prison) and found himself on the point of the soldiers' bayonets who were close to him—that he, this informant, was drove a considerable way at the point of the bayonet with the prisoners, when he found it necessary to make some

attempt to extricate himself and succeeded in getting round the left wing which rested on the wall which separates the market-square from the hospital, and whilst this informant was endeavouring to get around, the firing commenced, at first he heard two or three muskets, but afterwards the discharges became more frequent, and almost amounted to a volley; that as soon as this informant had extricated himself, being apprehensive that his assistance might be required, in consequence of the firing, he went to make preparation for the purpose; that this informant went to his own house and carried some instruments to the receiving-room of the hospital, where he awaited the arrival of some wounded men, but he did not see any of those who were killed on the spot until this morning; that this informant has this day examined the body of a black man, stated to be called John Haywood, and found that the ball had entered a little posterior to the acromion of the left shoulder, passing obliquely upwards, it made its egress about the middle of the right side of the neck, and in the judgment of this informant, he died of that wound, which appeared to have been inflicted by a musket ball; that this informant at the time the order was given to charge was in warm conversation with the prisoners, and therefore cannot take upon himself to say who gave the order, but this informant heard no person give an order to fire; that there was a great deal of confusion among the prisoners and therefore he cannot speak to the general conduct of the prisoners; but those to whom this informant spoke appeared disposed to listen to him, and many receded towards the gate among those with whom this informant had been conversing; that the number of the prisoners that were assembled in the market-square, he cannot say, or even form an estimate, but there was a considerable crowd together, and during the time this informant was in conversation with the men, they were pressing forward in a body; that as the whole of this informant's attention was engrossed with a few to whom this informant addressed himself, he cannot take upon himself to give any opinion as to the necessity of coercion; but this informant is of opinion, that the prisoners ought not to have been in that situation at so late an hour in the evening; that there was a great clamour of voice and a general murmur among the prisoners, but this informant did not observe them pro-

ceed to any acts of violence before he came away; that after he came away, and in going to his own house, and from thence to the hospital, he heard the discharge of musketry, and this informant's attention was not attracted to it above two or three minutes, but whether it continued beyond that time he cannot say.

GEORGE MAGRATH.

Sworn before me,

JOSEPH WHITEFORD, Coroner.

JOHN ODIORNE, a citizen of the United States of America, on his oath, saith, that he has been at the prison of war at Dartmoor ever since the twenty-ninth day of September last. That on Thursday last, the sixth day of April instant, a little after six o'clock in the evening, he was at the store in market square, standing by the door; and the wagon with the bread for the prisoners was partly unladen, when this informant heard some person talking loud at the gate at the upper end, and went around the wagon to see who it was, and saw captain Shortland advancing into the yard; and he was giving his orders to the turnkeys at the lodge in a loud voice; and Richard Arnold spoke to him, and told him something about the wall, when captain Shortland said, "damn you, why did not you tell me about it before; ring the bell, call the guard out." That the guard immediately followed captain Shortland into the yard, when he ordered them to form across the yard, about two thirds of the way down; that there were not soldiers enough to stretch across the yard, and they formed with their right on the southern wall, leaving some distance between their left and the northern wall. That captain Shortland used some harsh expressions to the guard, and bid them form on the northern wall, for that was the place where the prisoners were coming; and just as captain Shortland gave the orders, this informant saw the prisoners force the gate No. 1, which adjoins the hospital wall; and before this time this informant had not seen a single prisoner in the market square, except those who were employed with him. That there could not have been a body of men in the square without the informant's seeing them, as at this time he was on the steps, at the store, which is about ten feet high, and commands a com-

plete view of the square. That after the prisoners had advanced to the distance of between twenty-five or thirty feet, captain Shortland then ordered the men to charge upon them, and the soldiers charged upon the prisoners, when they retreated into the yard, leaving one man behind, who appeared to this informant to have fallen down, and a soldier was standing over him with a bayonet, threatening to stab him if he did not get up; and the man on the ground appeared to be drunk, but this informant could not hear what he said. That after the prisoners had retreated within the prison, this informant saw an officer put his hand to the gate which opened against the hospital wall, as this informant thought to shut the gate; but instead of shutting it he retreated to the soldiers, at a little distance from the gate, when he heard an order given to fire by captain Shortland, as the informant supposed, for he was looking directly at him. That the order was not instantly complied with as soon as a musket might have been fired; but in a few seconds a musket was fired by a person at the right of captain Shortland, a few paces in advance of the others, and immediately after two muskets were fired to the left of captain Shortland, by the hospital wall, and after that there was a general discharge; and immediately after the general discharge a party of soldiers marched into No. 1 yard, through the gate, and fired a volley, and then wheeled about and returned into the square, and after the soldiers had returned into the square and formed into line, the officer ordered them to fire and immediately the whole line across the square fired into the yard, after which the line broke up and advanced into the yard, and this informant could not see any further, but he heard the reports of guns in the yard. That soon after this informant saw a prisoner coming out of the yard bringing a prisoner on his back, and a corporal or sergeant spoke to the man, abused him, called him a coward, and said, "this comes of your keeno." That this informant spoke to the sergeant or corporal, and abused him for having spoken so to the wounded man; but by the advice of Mr. John Arnold he went into the store, and remained there all night. That about forty minutes, or forty-five, before he saw captain Shortland he was in No. 7 prison yard, and he did not perceive there was any thing the matter; there was a great

crowd round the gambling tables as usual, but he was not near the place where this informant has seen the holes mended in the wall; that he saw a small hole in the wall, the day before, about six or seven inches in depth, and on inquiring what it was done for, some person said it was done to make quoits with. That this informant never heard that the hole was made for boys to go out and fetch their balls. And this informant further saith that he did not see Dr. Magrath in the square addressing the prisoners, nor did he see him either go in or out.

JOHN ODIORNE.

Sworn before me,

JOS. WHITEFORD, Coroner.

ADDISON HOLMES, a citizen of the United States of America, on his oath, saith: That on Thursday, the sixth day of this present month of April, between the hours of five and six o'clock in the evening, he was at the lower part of the yard of the prison No. 3, and understanding that a hole had been broken through the wall in the prison No. 7, by the boys, to get at their balls, he was going to see it; and hearing the alarm bell rung, he went into the market square, having found the gate open, and there were about a dozen prisoners in the square, and a great many more followed after him; he was going up to see what the alarm bell was rung for, when he saw the troops entering the outer gate of the square, and captain Shortland was with them. That as the troops came through the gate, they were paraded across the square; and this informant saw Dr. Magrath, at the left of the troops, talking to about a dozen of the prisoners, advising them to go down to the prison quietly; and some of them turned and went towards the gate, but others were talking with him still. That at this time there was a considerable body of prisoners in the rear. That captain Shortland was in front of the troops, and about the middle of them, speaking to one man, who wanted to say something to him; but it appeared that the captain would have no conversation with him, and pushed him from him twice, when the man turned about and was going down slowly. That the captain then turned round and ordered the troops to charge their bayonets, twice; but they did not do so until they were order-

ed by one of their own officers, and then the troops charged their bayonets and the prisoners were forced on before them, and Dr. Magrath being in front, stepped in between two bayonets, and got to the rear. That this informant stepped aside, and got between two sentry boxes and the troops passed him ; and by this time the prisoners were forced to the gate, had got inside the prison, and shut the gate after them ; but captain Shortland, who was in front of the troops, shoved the gate open, and this informant thinking it was a good opportunity for him to get in, pushed on between two men, and then saw that captain Shortland had hold of a musket, and immediately that musket was discharged ; but whether captain Shortland pulled the trigger or not, this informant does not know, and immediately after there was firing at the left. That captain Shortland had ordered the troops to fire before he took hold of the musket, but he was not obeyed, and then took hold of the musket, and he believes the soldier had hold of it at the same time. That just after the firing at the left, as he, this informant, was passing between two men, one of whom had discharged his musket, this man was hauling his musket back to stab this informant, and before he drew it past this informant, he, this informant, unshipped the bayonet, and threw it on the ground, and then pushed off the bayonet on the left with his arm, and got in round the gate, when the soldiers immediately fired another round, and he saw a man fall. That this informant stopped a few minutes, and the soldiers fired several rounds, and this informant went around the prison No. 1, to the prison No. 3, and the soldiers were firing from the walls up the prison. That this informant got into the prison No. 3, when two rounds were fired into the prison door which killed one man and wounded another ; but who it was that was killed he does not know. That directly after this the prison doors were shut, and he heard no more of it. That he cannot say what was doing in the yard of prison No. 7, as he was not there : but the prisoners in the yard of prison No. 3 were walking the yard quietly, it being just before the time of turning in when he heard the alarm bell.

ADDISON HOLMES.

Sworn before me,

JOS. WHITEFORD, Coroner.

JOHN ARNOLD, steward of the prisoners in health, at the prison of war at Dartmoor, on his oath, saith: That on Thursday the sixth day of April, instant, about seven o'clock in the evening, he was at the door of the contractor's store in the market square, receiving bread from a wagon into the store, and John Odiorne, an American prisoner was with him, when suddenly he heard a great noise at the bottom of the square, and some persons were saying, that the prisoners were pulling down the barrack wall, and the soldiers were running through the military way, as this informant supposed to get their arms, and almost immediately after the alarm bell was rung, and the drums beat to arms, and the horns sounded; that soon after this informant saw a great body of prisoners between the railing and the market square, and some prisoners were in the market square. That just about this time, he, this informant, saw Dr. Magrath and Mr. M'Farlane, the surgeons, go down the market square, and just after, captain Shortland also came into the market square, and the soldiers marched in with their officers. That this informant ordered the wagon away, not thinking it safe to let it remain, as the prisoners were at this time very riotous, and just as this informant had ordered the wagon away, the prisoners burst open the gate next the hospital, and rushed in the market square in a very large body, and at this time the outer gates were all open to permit the wagon to pass, and this informant believed, at the time, that the prisoners taking advantage of the circumstance, were endeavouring to effect their escape. That the soldiers were formed across the square, and the prisoners had advanced in a body, in a riotous manner, calling out "keeno," close to the soldiers within musket length or thereabout, when the soldiers immediately charged upon the prisoners, but this informant did not hear any order to charge given, and this informant thinks, that from the noise made by the prisoners, it was impossible to hear any word of command. That the soldiers drove the prisoners at the point of their bayonets within the gates of the prison, whereupon the prisoners turned their faces towards the soldiers, still continuing assembled together in a large body, and began to throw stones at the soldiers, and from the appearance of the size of the stones, he, this informant, has no doubt but that some of them were five or six pounds in weight. That the prisoners threw a great number of stones, and continu-

ed doing so for about two minutes, when this informant saw one of the muskets from the soldiers discharged towards the prison yard, and within a minute afterwards, he saw the whole party fire their muskets, and it appeared to this informant, that the muskets were elevated above the prisoners. That there was a large body of the prisoners assembled in the three yards in front of the gate, and stones were throwing in all directions towards the military, when this informant saw the soldiers fire their muskets towards the prisoners, and about this time, he saw Dr. Magrath and Mr. M'Farlane, run up the market square, and soon after he saw a man brought up wounded. That this informant was standing on the steps of the store all the time before alluded to, and could distinctly see what was passing, except when the soldiers were involved in the smoke. That Odiorne and six or seven American prisoners were standing on the steps of the store, and they all saw the prisoners throwing stones at the soldiers ; and this informant remarked to them, that if the prisoners continued to assault the soldiers so, some of them would be shot. That this informant, never heard captain Shortland give any directions to the soldiers to fire, and he was so near to Odiorne, that if orders had been given which he might have heard, he, this informant, must have heard also, as he has as quick an ear as most people. And this informant further saith, that the firing was very irregular, and it did not seem like firing in obedience to orders ; and this informant further saith, that it appeared to him the soldiers were in danger from the stones thrown at them by the prisoners.

JOHN ARNOLD.

Sworn before me,

JOS. WHITEFORD, Coroner,

WILLIAM GIFFORD, a private soldier in his majesty's first regiment of Somerset militia, on his oath, saith : that on Thursday, the sixth day of this present month of April, about half past six o'clock in the evening, he, this informant, was posted as sentinel in the market-place, at the gate adjoining the hospital wall ; that about half an hour after this informant had been posted, he heard the prisoners huzzaing in the yard of prison No 7, and soon after the west guard to which this informant belonged, was called for ; that this informant then saw a prisoner come from

No. 7 yard, with an iron bar in his hand, and a great number of prisoners were following him, and the prisoner who had the bar, broke the lock of the gate where this informant was sentinel, with it, and the prisoners rushed out as fast as they could come, crying out "keeno;" whereupon the alarm bell was rung, and part of the north guard came into the market square, and captain Shortland was with them; that the soldiers formed on the left side, where the crowd of prisoners were forcing up, there not being enough to form across the yard; that captain Shortland spoke to the prisoners, and ordered them back, but they did not go, and at this time, they were so close to the military, that they could be touched by the bayonet; that captain Shortland ordered the soldiers to charge, which they did, and forced the prisoners almost to the prison gate, but they would not go into the prison yard, and stood fast at the gate; that the prisoners then began to throw stones at the soldiers, and this informant saw several of the men's caps knocked off with the stones; that the prisoners were very riotous, huzzaing and throwing a great number of stones or brick at the soldiers, when this informant heard the word fire given by some person, but whom he does not know; that this informant immediately heard a discharge of musketry, and saw that the muskets were presented in the air; that the prisoners still continued huzzaing and throwing stones at the military, when the soldiers began to fire towards the prisoners, and this informant afterwards saw two men, like prisoners, lying in the market-place, apparently dead, one on the right side of the guard and the other on the left. That the soldiers then went into the different prison yards to turn the prisoners in, and this informant heard some firing in the yards. That major Jolliff had the command of the first Somerset regiment of militia, but he was not present when the first firing commenced. And this informant further saith, that the stones thrown at the soldiers, were large enough to have killed some of them, and the stones were thrown so thick, that it appeared to this informant, the soldiers were in great danger; that this informant did not discharge his musket at all; that this informant, was near to captain Shortland, when the prisoners were forced to the prison gate, and he never saw captain Shortland with a musket in his hand, or attempt to take a musket, if he had, he, this informant, thinks that

it was impossible for him not to have seen it. That he never heard captain Shortland give any orders to fire, and this informant was so near to him, that he thinks he must have heard him, if he had given any such orders. That whilst the prisoners were huzzaing, many continued calling out, "murder the rascal," by which this informant understood, they meant captain Shortland, and this was before any firing took place. And this informant, further saith, that he did not hear or see a musket discharged on the evening of the sixth day of April, instant, before the prisoners began to throw stones.

The mark of

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WILLIAM GIFFORD.

Sworn before me,

JOS. WHITEFORD, Coroner.

JAMES GROVES, a private soldier in the first regiment of Somerset militia, on his oath, saith: that he was placed as sentinel in the barrack yard at Dartmoor prison, on the 6th day of April instant, and was relieved by Thomas Edwards at half past six o'clock in the evening. That about five o'clock in the evening a ball was thrown over the wall close by the old cook room, which is now the armourer's shop, and the armourer was there at the door at the time, and he caught up the ball and threw it over the wall into the prison again. That this informant saw no other ball whilst he was on sentry, and no person whatever called to this informant to throw over any ball. That just at the time the armourer was about to throw the ball over, some person from the prison called out, "throw the ball over," but after the ball was thrown over this informant heard no farther call. That whilst this informant remained on sentry he did not hear any attack upon the wall, and saw no breach whatever therein.

The mark of

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JAMES GROVES.

Sworn before me,

JOS. WHITEFORD, Coroner.

DAVID SPENCER WARREN, a citizen of the United States of America, on his oath, saith, that on Thursday last, the

6th day of April instant, in the evening, about half an hour before the usual time of turning in the prisoners, he heard the alarm bell, and went up to the gate of the yard of the prison No. 1; and when he arrived there, he saw a number of prisoners in the market square, and a number of soldiers were in the square, and captain Shortland was at the head of one party of them, and he was forming a line across the yard, which after he had done, he told them to charge. That the soldiers did charge on the prisoners, who ran back into the prison yard; and captain Shortland and the soldiers followed them to the gate; and as the prisoners got inside the gate, they flung one of them to. That captain Shortland ordered one of the soldiers to fire, and immediately there was a soldier with his musket turned to the right, and captain Shortland caught hold of the musket, and pointed it towards a man that stood by the gate, and said, "God damn you, fire"—that directly after this a fire of musketry became general. That this informant went through No. 1 prison, and into No. 3, and was in prison No. 3 when the soldiers fired into the prison No. 3; and there was a man called Smith, a shipmate of this informant, wounded, and he also saw a man fall on the inside of the prison, but whether he was killed or wounded this informant cannot say. That this informant did not see any of the officers with the soldiers when captain Shortland gave the orders to fire. That after the firing began he saw some stones, he believes two or three, thrown by the prisoners over the wall into the square—he saw one of them about as big as his fist. That this informant did not observe whether the muskets were elevated at the first firing, but he did not see any man fall, and therefore he remarked to some of the prisoners, that he thought they were blank cartridges. That this informant was not in the yard of No. 7.

DAVID S. WARREN.

Sworn before me,

JOS. WHITEFORD, Coroner.

JAMES GREENLAW, a citizen of the United States of America, on his oath, saith: That on Thursday, the sixth day of April inst. he was in No. 3 yard, near the door of the prison, when he heard the alarm bell ring; that he went from thence towards the railing, at the entrance in the

market square, and saw some prisoners in the market square, and at the same time he saw the troops coming through the market gate, with captain Shortland at their head, and saw him form the men in one line, extending across the square, and he then ordered them to charge, whereupon the prisoners retreated into the prison yard, when this informant heard captain Shortland give orders for the soldiers to fire upon the prisoners, and thereupon this informant ran into No. 4 yard, for shelter, and as this informant turned to go back again he saw two black men, whom he did not know, fall. That as soon as this informant thought the firing had ceased, he ran up towards the grating to speak to captain Shortland, and asked if he would allow him to speak to him, when captain Shortland said, "no, you damned rascal!" whereupon two soldier officers put their swords through the iron railing towards this informant, and one soldier pricked him with his bayonet. That this informant then retreated into No. 3 yard, and he then heard two distinct volleys, and the soldiers shortly after came into No. 3 yard, when he retreated into No. 3 prison and sat down inside to assist in dressing a wounded man, and a moment after this he heard two distinct volleys fired into the prison, which killed one man and severely wounded another. That this informant did not see any stones thrown from the prison into the square until the firing had commenced, and then he saw two stones thrown over the wall from No. 4 prison. That this informant was not in No. 7 prison yard.

JAMES GREENLAW.

Sworn before me,

JOS. WHITEFORD, Coroner.

THOMAS BURGESS MOTT, a citizen of the United States of America, on his oath, saith: That on the sixth day of April instant, this informant was in prison No. 5, when some persons came to him, as being one of the committee for the prisoners, and in consequence of information they gave, he procured some assistance, and was going out of the door of the prison to go towards a wall where he understood some men and boys were breaking, to prevent it, and just as he came to the door of the prison, he heard a fire of musketry, as from the gateway of the market square, and met a crowd of prisoners retiring to their pri-

sons, apparently in great confusion. When most of the people had passed, he met a man between No. 5 and No. 6 prisons, who was wounded and bleeding very much, and the man leaned on this informant, and he was proceeding towards the gateway to take him to the surgeon, but the fire of musketry and the balls came so thick that he stepped forward a step or two to request permission to take the wounded man away, but he believes he was not heard. That he then returned to the back of No. 5 cook house, out of the way of the fire, where several others were standing, and they had not opened a fire from the ramparts of the lower wall which commanded the lower door of No. 5 prison; but as this informant and the others turned from the place to go into the prison, a fire of musketry was discharged towards the only door which was open of No. 5 prison, and shortly after this informant saw two men in the prison dead, but he does not know their names himself, or where they were killed, and he saw also several others wounded.

THOS. B. MOTT.

Sworn before me,

JOS. WHITEFORD, Coroner.

ENOCH BURNHAM, a citizen of the United States, on his oath, saith: That on Thursday the sixth day of April instant, about half past six o'clock in the evening, he went to the railing of the market-place and remained there about half an hour, when he saw a crowd of the prisoners making a noise, but the principal part of them were youngsters, full of mischief, and they came, some of them, between the two railings, and he saw seven or eight go into the market square, but there was no great body there. That at this time he saw some soldiers come down the square, and captain Shortland with them, and the soldiers charged upon the prisoners, who retreated into No. 1 prison yard without making any resistance. That this informant remained at the gate when the military began to fire, and at this time there was no crowd of prisoners within the gate—there might have been forty or fifty men. That when the firing commenced he retreated into the prison yard and lay down by the wall, and the prisoners who were about the gate also retreated. That this informant lay by the wall about five or seven minutes, when this informant went up by the barrack wall, towards where

there was a hole, and the soldiers then began to fire from the ramparts of the south wall, when he went to No. 7 prison, and got as far as the steps, when a heavy firing again commenced from the wall, and this informant lay down to save his life for about four or five minutes, and then got into the prison and was going through to go to his own prison, and had got to the steps when the firing commenced from the platform next to the south corner, whereupon he retreated into No. 7 again and went into the north end and saw one prisoner in the yard who appeared to be wounded, and he ran back against the wall and he saw several soldiers raise their muskets and fire at him and he fell immediately, but this informant does not know who the man was. That this informant saw the wounded man lift up his hands towards the soldiers before they fired. That this informant did not see any stones thrown, but he heard some of the youngsters speak about throwing stones. That he did not hear the word to fire given, and he was near the gratings when the military first began to fire, they were at some distance from the gratings.

ENOCH BURNHAM.

Sworn before me,

JOS. WHITEFORD, Coroner.

ROBERT HOLMDEN, first clerk to captain Shortland at the prison of war at Dartmoor, on his oath, saith: that on Thursday, the sixth day of April instant, Richard Arnold, the turnkey, reported to this informant, that the prisoners had got over the iron railing, near the south guard; whereupon he, this informant, went to an officer on the ramparts, and from him understood that a guard was going in to turn them out, and on returning to the entrance gate, he met the guard going down. That there was also a rumour that a hole had been broken in the hospital wall; whereupon he went and reported it to captain Shortland, who came out of the house, and went with this informant to the entrance gate, when they understood the hole was in the barrack wall, and captain Shortland, with sergeant Manning and some soldiers, went to the barrack yard, and found that a hole large enough for a person to creep through had been made. That captain Shortland cautioned some prisoners who were looking through the aperture in the wall, and recommended them to retire,

but they remained there ; and a guard was left at the breach, and captain Shortland and this informant returned to the entrance gate, and had not been there long, when it was reported to captain Shortland, that the prisoners had forced one of the lower iron gates : whereupon captain Shortland ordered the alarm bell to be rung ; and as soon as the guard could be collected, he went with them into the market square ; and at this time he, this informant, saw a great number of prisoners coming up the north side of the yard in a riotous and disorderly state ; that after a short time had elapsed, he, this informant, heard one shot fired, which was followed by several others. That he did not go down amongst the prisoners, or see what took place there. ROBERT HOLMDEN.

Sworn before me,

JOSEPH WHITEFORD, Coroner.

HOMER HULL, a citizen of the United States of America, on his oath, saith : that he is in the prison No. 3. That on the sixth day of April instant, he, this informant, was walking in the lower part of the prison yard No. 7, about six o'clock in the evening, when, in consequence of a report he heard in the prison, he observed some drunken men breaking down the wall which separates the barrack yard from No. 7 yard ; and one of the soldiers called from the wall at the corner of the barrack yard, and said, " go in men, they are going to charge upon you." That this informant went away towards the prison No. 3, and had to go out of No. 7 yard, near the market square, when he saw some drunken men, about half a dozen in number, at the gate leading into the market square, attempting to force it—one of them had a small iron bolt in his hand, and they succeeded in getting the gate open. That the man who forced the gate went a few yards into the square before any followed him, and then some others went in. That just at the time the gate was forced open, he saw some soldiers come into the market square at the upper gate, and captain Shortland was with them. And at this time this informant thinks there were about sixty men in the square—that the soldiers marched about two thirds of the way down, when captain Shortland gave the soldiers orders to charge, and the soldiers accordingly charged ; when the prisoners retreated into the prisons,

and one of them shut to the gates; and the soldiers marched down a little further, when captain Shortland ordered them to fire—that this informant went to his own prison, and tried to get in, but the crowd was so great that he could not succeed—that he tried at other prisons, but could not get in, and *there succeeded*.* That the alarm bell had not rung when the soldier first ordered them to go into their prisons. That this informant heard the alarm bell ring just after the man ordered them to go into their prisons. That he did not see any stones thrown before the musketry began to be discharged, but afterwards he saw a stone thrown from the prison yard towards the square.

HOMER HULL.

Sworn before me,

JOSEPH WHITEFORD, Coroner.

ROBERT M'FARLANE, assistant surgeon at the prison of war at Dartmoor, on his oath, saith: that on Thursday, the sixth day of this present month of April, about seven o'clock in the evening, or rather afterwards, he was at the outer gate of the prison, when he heard the alarm bell ring, and immediately went to the lodge; and seeing the guard drawn up in line in front of the guard house, he observed captain Shortland walking by himself from the barrack yard towards the guard. That this informant turned round and looked down the market yard, and saw a multitude of prisoners proceeding up the square; whereupon he went down with Dr. Magrath, who came just at this moment, and began to reason with a number of prisoners there on the unnecessary steps they were taking—that some of them seemed to pay attention to what this informant said, and turned aside towards the prison, but others said they were not prisoners of war, and that they were determined to be out—one of whom had a stick behind his back in his hand. That this informant saw captain Shortland reasoning with a number of them to go back into the prisons, but they used very abusive language towards him, and this was in front of the guard—that this informant had taken two by the shoulders, and was insisting upon their going back; and on looking back, the guard had charged, and this informant with great difficul-

* So in original.

ty got himself extricated from between the bayonets—that by the time this informant got to the rear of the guard a single musket was fired, and immediately after several others—that this informant heard no order given to fire—that captain Shortland was at the south end of the guard, and this informant thinks if he had given orders to fire he must have heard it—that at the time the first musket was fired nearly one third of the market square was filled with the prisoners, making a great noise in a very riotous and disorderly manner, and stones were throwing by the prisoners from all quarters, and one large stone fell about a yard from this informant—that immediately after the firing commenced, and this informant had got to the rear, he went away to the hospital—that from the number and size of the stones which were thrown, if he, this informant, had been obliged to remain on the spot where the soldiers were, he should have apprehended great danger to his person.

ROB. M'FARLANE.

Sworn before me,

JOSEPH WHITEFORD, Coroner.

JOHN TOZER, one of the turnkeys at the prison on his oath, saith: that on Thursday the sixth day of April instant, about seven o'clock in the evening, the turnkeys were called into the market square, and he found that it was to take up some dead and wounded prisoners—that he went to the lower market gate and just inside the gate he took up a black man dead, and assisted in carrying him to the bathing place in the hospital, that the man appeared to be about thirty—but this informant should not know him again.

JOHN TOZER.

Sworn before me,

JOS. WHITEFORD, Coroner.

JOSEPH MANNING, sergeant in the first Somerset regiment of militia, on his oath, saith: that on Thursday, the sixth day of this present month of April, about seven o'clock in the evening he was in the military way, when he saw captain Shortland, and reported to him that the prisoners had made a hole in the wall leading to the barracks, and he went with this informant, an officer, and some other persons, to see it—that this informant kept

before captain Shortland and went away to the breach first, and saw the prisoners pulling the wall, and he desired them to desist, but they gave him abusive language, and he then took a musket and threatened to fire at them if they would not leave off, and they then drew back a little—that lieutenant Evelin then interfered, and put his head in the breach telling them if they did not desist the consequences would be serious—captain Shortland then inquired for major Jolliff, and by captain Shortland's directions this informant went to call major Jolliff and met him between the south guard and the barracks, when he ordered the troops to be formed, and put himself at the head of the grenadiers, and before major Jolliff had gone ten yards from the south guard gate the firing commenced—that this informant, by major Jolliff's orders, remained behind to assist in forming the regiment—that it was impossible for major Jolliff to give orders to fire, as he was not near the spot where the firing first began.

JOSEPH MANNING,

Sergeant 1st Somerset Regiment.

Sworn before me,

JOS. WHITEFORD, Coroner.

*Examinations at the Guild Hall of Plymouth, on Friday
the 21st April, 1815.*

*Present, John Hawker, Esq. one of the magistrates of the
county of Devon.*

JOHN RUST, one of the committee of the American prisoners at Dartmoor, being sworn, says: the report made of the occurrence of the 6th instant, (signed by me,) was from the evidence of other persons. About six o'clock in the evening I came from the place where I was taking supper, and persuaded the prisoners to leave the breach; they did go away towards the square previous to the commencement of the firing. At the time I went to the breach, the horn had not sounded; it sounded but a few minutes before the firing. I heard the alarm bell ring before the firing took place; the firing continued at intervals about fifteen minutes. After the firing commenced I went round the south-east part of prison No. 7, and went into the south-east door. I saw nothing of the firing in the market square.

JOHN T. TROWBRIDGE, one of the committee, being sworn, says: I made no part of the report from my own knowledge; but I was one of them employed in taking depositions. I was walking about the south-east part of No. 7, near the breach in the wall, which, when I saw it, was about large enough for my body to pass through; about thirty persons were round it; I did not know what it was made for; understood it was to get a ball. I remained in the prison yard, seeing the soldiers collect on the platforms. I saw nothing of what was passing in the square. I understood that the soldiers desired the prisoners to go in before the firing took place; the prisoners were not riotous. I heard the alarm bell ring, and the drum beat to arms before the firing—I heard no tumult in the market square before it began; I should have heard it had there been any, from the place I was in. I do not believe there were many prisoners in the square; it was the alarm bell which collected the prisoners—at least it made them go out of prisons No. 5 and 7. The firing lasted in a straggling manner from fifteen to twenty minutes; there were three or four volleys from the market square. I heard no order to fire after the firing from the square; there was firing from the platforms on the wall, from which it continued while the prisoners were endeavouring to get into their prisons; there was firing at No. 5, while they were entering.

JAMES BOGGS, one of the committee, being sworn, says: I made no part of the report from my own knowledge. I went into the north-east door of No. 3, before the firing. I understood there was a man killed in that prison, but I do not state it from own knowledge.

AMOS WHEELER, sergeant of the north guard, being sworn, says: I was with the guard on the evening of the 6th; another sergeant was with me; assembled the guard by order, I believe, of captain Shortland's clerk; had orders to march to the west guard house. On arriving was ordered by the clerk to order arms; remained about ten minutes, and was then ordered by captain Shortland to march to the market square; the officer of the guard was not then with it; our force was thirty-eight besides two corporals; about five or six of another guard went into the

square about the same time ; the west guard was employed at the breach ; there were not many prisoners in the market square when our guard entered. The alarm bell had rung before we marched. When we entered the prisoners were endeavouring to burst the gates below ; cannot say whether the alarm bell preceded the bursting of the gates ; when they had succeeded in bursting them there was a great rush towards the soldiers ; their number kept increasing until the space between the iron railings was quite full. They threw stones at the soldiers before there was any firing ; they were not armed with any thing that I saw ; they appeared in the square nearly at the same time as my guard ; they made the greatest push towards our left flank, where the guard was weakest ; I was on the left flank ; the prisoners were desired to go back, but they did not ; they pressed on and made a greater resistance against us. Then captain Shortland ordered the soldiers to bring their muskets down to the charge, but not advancing upon the prisoners, it appeared to have no effect upon them. I believe captain Shortland was in front of the guard, at this time, desiring the prisoners to go back. I saw none of the prisoners wresting the arms from the soldiers. I saw none of them attempt to seize the arms ; the guard pressed to the left to keep from being turned, by which I was thrown in the rear. Many more soldiers came from different parts before the firing commenced. I heard no order to fire, nor do I know how it began ; did not hear any of the prisoners challenging the soldiers to fire ; at this time there might be about two hundred prisoners in the square ; they were much more numerous than the guard. I did not see the officer of the guard at this time. The firing was in an independent manner, three or four muskets being discharged at a time. After the firing commenced the prisoners began to retire towards their prisons. I did not hear any cheering among them, or see them rally after the fire ; think I must have heard it had there been any cheering. I do not think that the prisoners could have been made to retire without firing ; the soldiers might by killing them with the bayonet have dispersed them. I did not go into the prison yard. I did not hear of any firing of my guard after the prisoners had retreated.

JOHN SAUNDERS, private in the first regiment of Somerset militia, one of the north guard, being sworn, says : I was with the first party of soldiers that marched into the market square ; at that time the gate was broken open, the prisoners were coming through in a crowd as fast as they possibly could ; the alarm bell rung at the time we reached the west guard house ; the officer of the guard was with us, I believe. I believe it was he who ordered us into the square—the west guard was marched in nearly about the same time—fifteen file were told off on the left, whom captain Shortland, after some time of discourse with the prisoners to make them retire, ordered to charge—with some difficulty we got the prisoners back to the gates ; some of them were retiring through the gates. I do not know that any injury was done to them until after they were inside the gates—had till this heard no firing. The square was nearly clear of prisoners before the firing—they did not return into the square, but threw some stones through the rails. I heard the word “ fire ” given, but do not know by whom. There were no prisoners in the market square when the first shots were fired. The prisoners had the command of the gates, so as to open them when they thought proper. I fired my musket. The prisoners closed the gates after them, which we opened, and we received orders from the commanding officer to charge the men to their prisons. No muskets were fired in compelling them to their prisons. Just before the firing the prisoners were throwing stones, and insulting the soldiers—calling out to fire. Saw no prisoners attempting to wrest the arms from the soldiers. Several shots were fired into prison No. 3—they were fired into the door way—they were fired by two or three soldiers. I heard no order given for this fire, and had heard none to cease firing—there was much disturbance among the prisoners going in, and a stone was thrown out, which I saw myself. The turnkey was then near the soldiers, close to the door, and was endeavouring to shut it ; the prisoners were unwilling to go in, and the turnkey could not close it ; they stood at the door, challenging the soldiers, and offering to fight them if they would lay down their pieces ; this was before the firing into the door ; it was locked up immediately after the fire—do not think I could say rightly who the soldiers were that fired into the prison.

WILLIAM SMITH, private of the first Somerset militia, being sworn, says : I was on the north guard on the evening of the sixth April. I marched into the market square with the guard. As we were going into the square, the prisoners were coming through the gates in a violent manner—the alarm bell rang before we entered the square, while we were at the west guard house. I was one of the fifteen file ordered to charge—the prisoners fell back when we came down to the charge, but after a little while advanced again. The prisoners fell back to the gates, and had partly gone through before the firing began—I heard no order to fire—don't know the soldier who fired the first musket—was not near him—the prisoners had not come back upon our left when the firing began, and after the charge, but they were throwing stones, one of which fell about a yard from me, and were abusing the soldiers, daring them to come on. The firing was in an independent manner, one after another, till nearly all the guard had fired, and then they loaded again—no order was given to fire—don't know of any soldier having fired into any of the prisons—don't know how long the firing lasted. After the prisoners had returned into their yards we went into them to see if there were any stragglers about. When I went into the yard did not hear any firing from sentinels on the walls.

JOHN TUTT, private, being sworn, says : I was on the north guard the night of the disturbance—the alarm bell rang when I was at the west guard house, before I entered the market square—about forty or fifty prisoners had burst into the square through the gate next the hospital when we marched in—I was one of the fifteen file ordered to charge—can't say exactly who ordered us to charge, but think it was captain Shortland's voice. The prisoners were so close to me that I had not room to come down to the charge, and drove them back to get room. We advanced upon them at the charge. While charging, a stone of seven or eight pounds weight knocked off my cap—I stooped to pick it up—was not knocked down, but somewhat stunned, and the plate of my cap was bruised—the firing began directly—the prisoners resisted greatly while we were charging—they resisted up to the time we fired. I think there were about one hundred prisoners in the square when

the firing began—after they were driven back there was much firing into the prisons—saw one soldier firing into prison No. 1—the prisoners were throwing out stones at the time—they were all nearly in when the firing into No. 1 took place, but some were still pushing in at the door way—the turnkey was endeavouring to get near the door, but was not in front, in consequence of the stones thrown out—I heard no order for the firing in the square; it commenced while I was picking up my cap—saw no more than one shot fired into No. 1.

WILLIAM ROWLES, private, one of the north guard, being sworn, says: I was one of the fifteen file told off in order to charge—captain Shortland gave the order to charge—I could come down to the charge, and did so; and those near me advanced at the charge upon the prisoners, who would not retire at first, even when the point of the bayonet touched their clothes—we advanced on them about eight or ten yards down towards the gate—a great many of them retired through the gate before there was any firing—they aggravated the soldiers by insulting and abusive language, and dared them to fire. I heard an order to fire, but don't know from whom. When the firing began, the prisoners were rushing again through the gate, into the square, and throwing stones over the platform. I suppose there were twenty times more prisoners in the market square than soldiers before the firing. I entered the prison yard, saw a soldier level his musket into prison No. 3, who was then about five or six yards from the door—many prisoners stood at the door in a resolute manner, and would not let the turnkey shut it—the door way was as full as it could hold—they threw out great stones, as big as my head—I heard no order to the soldier to fire into No. 3; saw no officer there at this time. I was telling the prisoners to go into the prison, when one of them endeavoured to wrest the bayonet from my musket, but I drew it back in time to save it; this was before the firing into the door way. I believe that there was no more than one shot fired into No. 3—after it was fired the prisoners went back, and allowed the turnkey to shut the door.

JOHN HAMLET, private, one of the north guard, being sworn, says: I was the right hand man of the fifteen file

told off to charge ; I heard the order given to charge by captain Shortland ; I immediately came down to the charge, having room enough ; we advanced a small distance ; we could not advance far, owing to the prisoners being so near ; they did not retire very fast ; can't exactly say how many prisoners there were in the square when we began to charge, but suppose there might be a hundred ; we used all possible means to make them retire, but some were so obstinate that they advanced even to the points of the bayonets, others however retreated ; they were very abusive and throwing stones ; many dared us to fire ; I was struck with a stone in advancing, on my right knee, which nearly knocked me down, and I very narrowly escaped another blow on my head ; I received the blow after the firing commenced ; our charge with the bayonet made some few of them retire through the gates ; the greater part indeed retired through the gates and remained on the other side throwing stones. Before the firing and after the charge, some returned back through the gates and advanced ; some advanced even after the first fire ; they shouted and cheered while advancing, which was intended to animate others to persevere like themselves ; numbers of the first muskets fired were elevated in the air, some were elevated to the centre ; I did not see any one fall on the first fire ; the firing was not in volleys ; I followed into the prison yards, did not see any firing into the prisons ; after the firing had been kept up for some considerable time the prisoners retreated ; I heard an order to fire given before any firing took place, but don't know by whom. I do not think the prisoners could have been driven back without firing, unless great slaughter had been made of them by the bayonet. I cannot positively assert whether there was any firing on our right, beside that by ourselves.

JOHN WILLIAMS, sergeant, being sworn, says : I was on the south guard the night of the disturbance ; our guard entered the market square after the north guard, and formed to its right ; our number was about forty ; it consisted of fifty-one, but had several sentries out. The firing had not commenced when we formed upon the north guard ; it began about ten minutes or a quarter of an hour after we formed ; we were formed just about the time the north guard charged ; when we formed there were about one

hundred prisoners in the square ; I think they were more numerous than the soldiers ; the line of soldiers almost occupied the breadth of the square, but there were not enough to form it completely across ; there was an opening between our guard and the north ; the prisoners did not fall back for some considerable time after the charge ; they were throwing stones through and over the rails, and abusing the soldiers when the firing began ; I heard no order to fire ; our officers never ordered us to fire ; our guard seeing the state the prisoners were in, and the north guard fire, began firing of their own accord, but not in volleys, and then the reports made prevented us hearing what was going on ; the north guard fired first ; at the first fire the prisoners ran back through the gate way, but afterwards many returned again to the gate, but did not advance through on us ; heard cheering and did not know whether they would not come out on us ; I did not go into the prison yard, nor did any of our guard ; our officer kept us in line till the prisoners were all locked up. I do not suppose the prisoners would have gone back without firing, because they did not appear to retire even when the bayonets were quite close to them. I heard firing for some minutes after the prisoners had retired through the gate.

JOHN TWYFORT JOLLIFF, major commanding, being sworn, (handed in a statement, of which the following is a copy—)

April 7th, 1815.

YESTERDAY evening, between the hours of six and seven o'clock, soon after the officer's dinner, the mess waiter came into the mess room, and said that the American prisoners had broken out of the prison, and were attempting their escape. I immediately ordered the troops composing the garrison to fall in at the alarm post. Whilst the troops were forming I heard several shots fired, upon which I immediately took the grenadiers and proceeded to the west guard, supposing that the prisoners were actually coming down the military way, (as it is called) in great bodies. Upon my arrival at the west guard, several of the troops were formed in the market-place, and had fired some shots. I immediately called out to them to cease firing, and finding that the prisoners still refused to go into their prison, I took a party of grenadiers and went into two of the prison yards, and told the soldiers to go into

their prisons, which they very reluctantly did. Several stones were thrown at the military, and two at myself, one of which came very near me. The military fired a few shot at the prisoners in the yard, in consequence of their throwing stones and refusing to go into the prison, but the firing was without my orders, and I conceive took place owing to the military being so exasperated. As soon as the prisoners were all gone into their different prisons, and properly secured, I returned to the barracks, having ordered the guards to be reinforced, and the troops to be ready to fall in at a moment's notice. It appears that they had selected the hour of the officers' dinner, to begin their operations, supposing we should not be ready.

J. T. JOLLIFF,

Major 1st Somerset militia.

Understanding that evidence has been produced to prove that a bugle sounded the signal to fire, I beg leave to observe, that I was first apprised of this circumstance after my return from Dartmoor. I never gave, as commanding officer, any order, directly or indirectly, to that effect, nor did I hear previously any report that such a circumstance had taken place.

J. T. JOLLIFF,

Major 1st Somerset militia.

He further says : there was no general order, that when the soldiers on sentry heard one of them fire, they should consider it an order to fire also ; but I suppose they might so consider it.—One man fired into one of the prisons, which arose, as I believe, from exasperation, on being struck by a stone thrown by the prisoners. I did not see any one put his musket into the door to fire. Several shots were fired in the prison yards, but entirely without any command.

GEORGE PITT, sergeant, being sworn, says—I was with major Jolliff among the grenadiers in the prison yard, and he used all the means in his power to prevent the firing—I heard him crying out to the men to cease firing.

HENRY BURGOYNE, private, being sworn, says—I was on the platform at the bottom of the market square. A prisoner came with an iron bar, who, upon hearing a shout from the prisoners at the breach, when a piece fell out of

the wall which I heard, broke the gate open immediately by striking off the lock, and the prisoners rushed through, and when we left the platform they pressed very much upon us—they were as thick as they could be—the alarm bell was ringing about this time—the yard where the break was, was as full of prisoners as it could be—I belonged to the west guard—I did not see any prisoners wresting the arms from the guard—I could not see the breach on account of a projection of the wall, but heard the bar at work—they were quite thick down to the prison, waiting, I suppose, till the breach was made—the horn had sounded as usual for them to go in, but instead of going in as they usually did very quietly, they came out—they pressed on us so much that we were forced to fall back, after we came down to the charge they would not retire, and being unwilling to stab we were forced to give back. I heard an order to fire, but don't know who gave it—I did not observe how the first muskets were levelled.

EDWARD JACKSON, private of the Derby militia, being sworn, says—I was on the platform 18 and 19, between prisons No. 5 and 6. I think there had been two volleys in the market square before the men on this platform fired, myself and another sentry were posted on the platform—we had not fired before some soldiers come up on the platform—I never fired—it was the men who came up—I can't say whether the sentry fired—they fired into the yard up towards the gate—there were a great many prisoners at the upper part of the yard—I did not see any firing into the prisons. There was one or two officers on the platform; no order was given to fire on my platform; to the best of my recollection, I think I heard a command “to commence firing from the right.” The prisoners were all in a great body, near the gates at the top of the yard, when the firing commenced, and after the firing they retreated to their prisons. When I was placed sentinel several prisoners were inside the palisades clodding one another; some soldiers charged them out of it; there were about two rounds of firing from my platform; there were about twenty soldiers on it, but can't say exactly; it was full of them; I could not see the breach; I saw no tumult in the yard before the firing in the square,

except the clodding; I can't say I heard the alarm bell ring.

Adjourned till to-morrow.

Examinations at Dartmoor Prison of War, on Saturday, the 22d April, 1815; present, Paul Treby Treby, Esq. one of the magistrates for the county of Devon.

THOMAS BURGESS MOTT, one of the committee of American prisoners, sworn—(A letter had been handed in by captain Shortland, signed in this witness's name, and addressed to captain Shortland, requesting his release, and stating that "although he had been called on by the respectable part of the prisoners to inquire into the cause of the late unfortunate affair, that his deposition nor conduct appeared to show that he would wish to lay the blame to captain Shortland, but on the contrary, for which he had since been insulted by those men that were and had been the occasion of the late unfortunate affair.") There never has been to my knowledge any concerted plan among the American prisoners at this prison to break out.—I have never been insulted by any of the men supposed to be ringleaders in the late affair, but on the contrary, the prisoners think I was doing every thing in my power for their benefit; the letter handed in by captain Shortland was written for me by another prisoner to get me clear in any way; it was not signed by me; I told him I would give him a pound if he got me released; it was written without design to injure any body, and merely to get me clear, as my turn of release was not near; I never read the letter; I was one of the committee who made the report to Mr. Beasley; some part of it was from my own knowledge, and some part of it from the testimony of others; I saw a crowd where the hole was, but did not think it was occasioned by any thing but gambling, till I was called upon by the prisoners to go and make them desist from the hole. When I was in the yard of Nos. 5 and 7, and when the firing into it from the platform took place, there was no tumult; there were then but few persons in it; I was not in the market square; I think the making of the hole was merely through mischief, but not at all to get out, for I do not think twenty would have wanted to go out if the gates had been open; I do not know particularly of any subject

of complaint shortly before the affair; I do not know of any one who complained before admiral Rowley of the American government; I was present the whole time; I do not know of any particular uneasiness among the prisoners at present, or any cause of complaint of their treatment; they are a little impatient to be sent home; there have been frequent little vexatious interruptions to the market, &c. on slight grounds; I did not see any one shot, though some fell close by me; I did not hear the horn sound before the firing.

WALTER COLTON, one of the committee, being sworn, says—None of the report was made from my own knowledge, but entirely from examinations. I am confident there was no disposition on the part of the prisoners to break out; had there been, I should certainly have known it, because I was in the constant habit of going through the prisons, having much business with the prisoners as one of their committee. It is impossible but it must have been known had there been any. Had the gates been thrown open not more than a hundred would have gone out: those that chose could have got away on the 4th. The first I heard of the disturbance was the firing—I was then in No. 3—did not hear the horn—it is not generally heard inside—there was great irritation against captain Shortland before the disturbance—this was owing to acts of barbarity on his part—I speak from my own knowledge—instead of doing things to make them comfortable, he did quite the contrary. He has kept two prisons, the best and most comfortable, shut, when it was in his power to have opened them; the prisoners remonstrated against this, but it produced no effect, while they were turned into prisons open at top and floating with water two or three inches deep; this was No. 2. There was a plan formed in No. 6, one of the best and most commodious prisons, two several times, to dig out, which was both times discovered by captain Shortland, and on the second occasion the prisoners were turned into No. 2; they were however only kept there two nights, and then returned to No. 6; I call this an act of barbarity; captain Shortland never returned any answer to our application to go into the empty prisons; I knew of no statements of complaint against the American government, previous to the late

affair ; there have been often complaints of neglect against Mr. Beasley, but not against the American government. Another act of captain Shortland's was—about the time of the attempt to dig out, there were some bars broken in one of the prisons, in consequence of which and the digging out I suppose, one third of our provisions were stopped for ten days. I know not what it was for unless for this and the digging out. Captain Shortland has frequently stopped our provisions in the same way without giving any reason. There has been no particular uneasiness among the prisoners to get out, since the account of the ratification of the treaty, and I know of no acts of violence among them in consequence ; they were only anxious to be sent home, and expressing their opinions about it.

WILLIAM HOBART, one of the committee, being sworn, says : some part of the report was made from my own knowledge, but not much ; I was in the lower part of the yard No. 1 and 3, when the alarm bell rang ; I had not heard the horn sound to go in when the alarm bell rang ; I expect I should have heard it—it can generally be heard all over the yard ; when I heard the bell I walked up to the railing next the market square to see what occasioned the alarm, when I got within a few yards of the railing, saw the soldiers coming into the market square. I think there must have been four or five hundred soldiers in the square before the firing began ; there were many there, and others marching in and forming ; I heard no orders to fire ; the prisoners were coming up as I was to see what was the matter ; I returned immediately to my own prison. There were two volleys fired into a prison, into No. 3 ; most of the prisoners were then in ; the prisoners were retreating after the first volley ; I had been in about five minutes before the firing, was on the second floor ; did not see the soldiers who fired, but heard the report ; and when I came down, saw marks of balls within ; there were no stones thrown from the second floor, should have known it, as I was walking with some others. There were several lines of soldiers drawn across the square, a few prisoners were at the bottom of it then, but they were not so numerous as the soldiers ; I am fully confident there was no intention to break out. I heard no shouting or threats against captain Shortland when the firing commenced.

The prisoners did not cheer in the yard I was in, nor in the market square while I was present. Captain Shortland has behaved in a very tyrannical manner towards the prisoners—he stopped the market for ten days for a very trivial occurrence, and part of the provisions for the same length of time; do not think there was any intention among the prisoners to revenge themselves on captain Shortland; there has been some irritation against Mr. Beasley latterly, because they thought he was somewhat dilatory in preparing cartels, but there was none whatever against the American government; there was a report that vessels of war would come from America to take prisoners, but even when first started it did not gain much credit; the upper stories of No. 2 and 4 have been unfit for the men to live in; very open, and sometimes afloat with rain.

WILLIAM B. ORNE, one of the committee, being sworn, says: I saw a little of the affairs stated in the report; but principal part was from the examination of others. I was walking between No. 7 and the barrack wall; did not observe that many prisoners were there; they are always so numerous in the yard, that one might not observe whether there was a crowd or not; I heard no bar breaking the wall; went into my own yard, Nos. 1 and 3; the prisoners were almost all in. I heard the alarm bell, upon which I walked up to the railings and saw the soldiers firing on the prisoners; could not tell the number of the soldiers, but the yard appeared to be full; it appeared to me from the number of the muskets I heard, that the whole regiment must have fired several volleys. I went behind the cook house, and heard the balls flying in all directions; the prisoners ran up to the railings from curiosity; was not near enough to hear an order to fire; after firing a few volleys they opened the gates and charged the prisoners in the yard; and after they were in their prisons they fired in; I heard that shots were fired into No. 3, into the door; saw no stones thrown out of No. 3; saw only one stone thrown into the square; the fire appeared to me to last fifteen or twenty minutes. I heard a noise among the prisoners, but no particular shouting or cheering; saw the greater part of the prisoners run; after the first fire, every man secured himself as well as he could; there appeared no interval

in the firing; it continued all the while, until the soldiers opened the gates and went into the yard. I knew of no intention whatever among the prisoners to break out; we were then daily expecting cartels.

NIEL M'KINNON, prisoner, being sworn, says: I was in the yard No. 7, before the alarm bell rang; I saw some men making a breach in the wall; at first there were only three or four, but afterwards they increased to about 20 or 25 standing round; I can ascribe this conduct to nothing but mere wantonness; can ascribe it to no other motive; I staid till the hole was made, and they began to throw things at the sentry; I saw the sentry put his bayonet through as a warning; he desired them several times to go away; I belong to another prison; I came to the gate; I heard the alarm bell ring before I came; I saw a turnkey looking in the direction of the breach, and expecting that the military would be called out, I went to gate No. 4; I remained there a considerable time, until the troops were drawn up in line, they then charged; I could see into the market square; I saw the prisoners between the railings and the soldiers in front of No. 4 gate; my attention was engrossed by what was before me, and I did not observe how many there were to my right at No. 1 gate; I heard an order given to charge and fire, but don't know by whom; at this time the prisoners were daring the military, but not expecting they really would hurt them; can't say I saw any stones thrown. I saw the first fire, but did not observe the elevation of the muskets. The prisoners retreated after the first fire, but I heard them shouting and rallying, cheering each other, and I think I heard them again dare the soldiers to fire. I heard several say they thought they were blank cartridges; I gave it as my opinion. I went down towards my prison and was told on the way that Haywood was killed. I went to see, and saw a black man lying within the inner gate of No. 4. I then went up to the gate to speak to captain Shortland; the turnkey let me through, and I told captain Shortland that a man was killed, and begged him to make the firing cease, and not to be wasting the lives of the prisoners; he told me to go to my prison. I spoke to the officer apparently commanding the guard to the same purport, who said there should be a truce if the

prisoners would go to their prisons. Captain Shortland knew me personally. I was going to No. 1 gate and saw several persons at the door of the receiving house, with two or three wounded men; one of these persons was drunk and abused the soldiers, who did not appear to attend to him so much as they might had he been sober. I went down to No. 4 yard; while going down the yard a volley was fired into it by the soldiers in the market square; there were many prisoners then in the yard. I did not see more than one line of military in the square; it was two deep and extended almost across. Was going up the yard when I met a party of military with an officer, driving along four or five prisoners. I went up to the officer, who I understood afterwards was major Jolliff, and remonstrated with him on the harsh treatment the prisoners were receiving. He put his fist in my face and swore "By God they would not be trifled with any longer by us," (the prisoners.) I was then driven with the rest into No. 4, and the sergeant having his halbert close to one of the prisoners, and the soldiers their bayonets charged. I entered the prison with my face to the soldiers, until I was so far that I thought I was safe, when I turned my back, and at that moment a musket was fired close to me, which wounded a little boy, who screamed and dropped down; he died the next day. There were no stones thrown out when the shot was fired, nor no insulting language used towards the soldiers; the prisoners were crowding round the door, not being able to get in fast enough, but there was no tumult among them; heard no order to fire the shot; I heard the report near me; the doors were then locked up. I have not the least belief there was any concert or intention among the prisoners to break out. I did not know the arms were kept in the barrack yard, nor do I believe it was generally known among the prisoners. I think the breach and the breaking of the gate were only acts of wantonness, like throwing turf at each other. There was a good understanding between the prisoners and the soldiers, particularly the Derby militia; they used to be of assistance to them when the markets were stopped; the Somerset regiment was not up to so much as the Derby. I think the sentries were removed from the yard to prevent communication with the prisoners, not through any fear of them. If there had been any concert,

they would have made some preparations; but there did not appear any among them, as the gambling tables were not removed from where they usually were. I have since seen some who broke the wall, who have expressed sorrow for what they had done from the consequences resulting from it, but declared they had no intention to escape.

FRANCIS JOSEPH, HENRY ALLEN, the two remaining of the committee, knew nothing of their own knowledge, and were therefore not examined.

JOHN G. GATCHELL, prisoner, being sworn, says, I belong to No. 7 prison. On the 6th of April, between six and seven in the afternoon, while walking in that yard, I heard a report that some boys were making a hole in the wall. Being in the yard abreast of the market square, I saw captain Shortland coming down the market square at the head of a party of soldiers; they were formed in a line and began to fire immediately. I did not see any prisoners then in the square; a few were between me and the railings. I could have seen any who might have been in the square. I saw no charge of the bayonet. I heard an order to fire, but don't know by whom; the first volley one man fell about four yards from me. I went to him and asked what was the matter; he said he was wounded in the breast, but I did not believe it, thinking it impossible, till I felt it. I called assistance and was trying to get him to the receiving house, when captain Shortland entered No. 7 gate with two soldiers, and said something which induced the two others to run away and leave the wounded man with me; upon which captain Shortland seeing I did not run, said, "kill the damned rascal;" the soldiers charged on me, and a bayonet pierced my clothes and skin, going in about a quarter of an inch. I was then forced to leave the wounded man and run, when a soldier followed me, and captain Shortland urging him on, repeated several times, "kill the damned rascal." While running on I was pricked three times and would have been killed; but stepping aside the bayonet ran under my arm, and the soldier with the force of the thrust fell on his knees, by which means I escaped into the prison. There are four doors to No. 7 prison, all but one were shut,

which one was exposed to the fire ; all the prisoners were crowding to one door, the door left open was the one which was usually so ; but the doors were shut, I think, sooner than usual, and the prisoners were trying to get in at the shut doors ; the prisoners being pursued by the soldiers all crowded to one door, one over the other, and being unable to get in fast enough were wounded by the bayonets of the soldiers pressing behind. While getting in No. 7 I saw captain Shortland running down the yard towards No. 5 with the soldiers, and heard him order them to fire ; am quite sure I heard him order them to fire ; he was facing me at the time ; was running towards No. 5 and ordering them to fire as they ran, which they did ; cannot positively say he had arms in his hands when coming down the yard. I did not see that the soldiers hesitated to fire when ordered ; they did fire. Never have had any personal altercation or difficulty with captain Shortland ; never spoke to him nor been spoken to by him. Do not think there was any intention to break out. The firing in the yard was after that in the market square ; two soldiers came into the gate abreast of captain Shortland, but many followed him, thirty or forty perhaps. After the soldiers were in the yard those on the ramparts did not fire. There were about forty or fifty shots fired by those in the yard. While the prisoners were running to No. 7 they were cut off by a cross fire from the ramparts ; (he pointed to the place where he was wounded in the back,) was told by others my wound was a quarter of an inch deep ; it swelled up considerably and was very sore, as was the case with all three wounds ; was never under any of the surgeons or surgeon's mates.

ANDREW DAVIS, prisoner, being sworn, says : I belong to No 3 prison ; I was at the bottom of No. 3 yard on the evening of the 6th, just before, counting in time the horn had sounded ; on the first report of muskets, the prisoners said they were blank cartridges. I went up to No. 1 gate ; when I got there, five or six men were bringing a man who appeared to be badly wounded, into the market square ; they had brought him inside the inner gate next the square ; I heard captain Shortland order them to let go the wounded man ; one of them remonstrated against it, and captain Shortland struck him with his fist ; the man

then went outside of the gate into the passage, between the two gates, and said to captain Shortland, "you'll recollect you have struck me twice, and I'll have satisfaction for it." Captain Shortland told him to go into the prison, or he would order the men to fire on him; I then went down to No. 1 prison, and saw no more. The soldiers were drawn up in the square when the wounded man was there, and captain Shortland in front of them. It was about ten minutes or a quarter of an hour after the firing began that the above transaction took place. One or two volleys were fired after that.

JOHN ODIORNE, prisoner, being sworn.

(His evidence before the coroner being read to him, and he had no correction to make in it, other than it was possible there might have been some few prisoners in the square, but there were no numbers of them previously to the drawing up of the soldiers in the square.) I stood on the steps at the cook house in the market square; I could see the whole of what was passing in the square; the gate was burst about the same moment the soldiers were firing obliquely to the left, after they were drawn up in line. The prisoners rushed in immediately, but not violently. I heard an order to fire, which was from captain Shortland as near as I could judge of any man, who had his back to me; it was in captain Shortland's voice; he was about a hundred feet from me; I am as positive as I can be under such circumstances, that the order came from him; captain Shortland appeared to be in a great passion when entering the square, he looked very red and spoke loud; am confident there was no disposition to break out. There was very little interval of time between the marching of the soldiers into the square and the sounding of the horn for turning in: the horn was first; the alarm bell rung nearly at the same time that the soldiers entered the square: the prisoners, generally, conceived that there was a tardiness in Mr. Beasley's fitting out ships, and there was discontent among them against him. But no complaint against the American or British governments.

GERARD SMITH, prisoner, being sworn, says: I was in the market square with captain Odiorne, who requested me to stay after the horn was sounded, till the wagon was

unloaded ; I told him my prison would be shut as the horn had sounded, and I should be shut out, and I thought I had better go ; I did stay several minutes longer, seeing the prisoners nearly all in I said I must go ; I saw Arnold coming up the square, and saw also captain Shortland by himself close to the wagon ; the captain asked Arnold whether the prisoners were all in ; Arnold said, " sir, they have got two holes in the wall ;" captain said, " damn you, why did you not let me know that before, go and ring the bell ;" I turned from Odiorne, bid him good night, and went down to the gates which were all closed, and I was obliged to get over the railing ; when I got over, I saw no tumult among the prisoners ; one man told me that some boys had taken some stones out of the wall, and wondered what it could be for : " I dont know," said I, " but I suppose it is through mischief."

ROBERT JOHNSON, prisoner, being sworn, says : I know Gatchell ; I was at the gate No. 7, when captain Shortland spoke to him ; I ran directly up to the gate from No. 5 ; at the first firing a wounded man lay about five or six yards from the gate, on the prison side ; Gatchell and two or three others came up to take him, as I suppose, to the receiving house ; when he got into the passage, between the railings, captain Shortland came in with two or three soldiers, and told them to go back or he would kill them ; the soldiers followed ; in rushing in, captain Shortland stumbled over the wounded man ; Gatchell did not go away immediately. Captain Shortland ordered the soldiers to charge on him ; one did charge on him, and another on me ; I then made my escape into the prison ; I am quite sure captain Shortland ordered the soldiers to charge ; this was after the firing in the market square. At the first fire I was in my birth ; had no idea that there would be any disturbance, or that the military were firing with ball. I heard no abusive language from captain Shortland.

JAMES N. BUSHFIELD, prisoner, being sworn, says : I was present all the time the breach was being made, but was not one of those who did make it ; I had no idea it was for the purpose of making their escape, but supposed it was through mere mischief ; there were about 20 or 25 prisoners round it ; they began in the morning. I was

there when the sentinel told them to go away, or he would fire ; they set up a laugh, and drew back ; after he put his bayonet through the hole—forming a circle of 15 or 25 feet from the wall ; at that time there were not more than 25 or 30 people, but afterwards they ran from all quarters to see the hole, hearing the others at it laughing ; they knew nothing of it before ; I went towards the gate when I heard the first fire, which I supposed was with blank cartridges, until I heard the balls whistle ; do not suppose a man in the yard knew there was arms in the barrack yard.

Adjourned until to-morrow 8 o'clock.

Met, pursuant to adjournment, at 8 o'clock.

Dartmoor, Sunday, April 23, 1815.

Present, Paul Treby Treby, Esq. one of the magistrates for the county of Devon.

WILLIAM CLEMENTS, prisoner, being sworn, says : I was most of the evening at prison No. 1, and towards the close of the evening was going to my own prison, No. 7 ; I saw about 20 or 30 prisoners gathered round the wall of No. 7, and considered they were gambling ; going up to it, saw dirt about a breach in the wall, and then several took up stones and threw them at it, in order to force it through. I went down the yard and came up again, at which time they were still throwing against the breach ; they made a hole ; I then saw captain Shortland come up to it with some soldiers on the other side ; he spoke through the hole, asking what they did it for ; a number answered they had nothing to do with it, and some said they dug it for amusement ; captain Shortland said if they did not disperse he would be obliged to fire upon them ; he then went away ; they then dispersed, and some who were digging, went into their prisons ; I heard no insulting language to captain Shortland ; the hole was then large enough for a man to get through ; saw none attempt to get through ; I considered the digging of the hole was merely through mischief ; a number of small places had been dug in the wall in the course of the day ; a great many prisoners were in the yard No 7, more perhaps than usual, it being so fine an evening ; I went towards my own prison and

found all the doors but one shut ; I heard a great noise at the top of the yard and went towards the gates ; heard many cry out " keeno ;" keeno is said among the prisoners when any thing falls, even in the prison ; many cry it out when they don't know what is the matter ; I suppose there were about 40 or 50 soldiers then in the market square, drawn up on one side ; the prisoners were going through at No. 1 gate ; the soldiers came down to the charge and then drew back ; the prisoners were not so numerous as the soldiers ; I suppose there might be thirty prisoners in the square ; they made no opposition ; some of them appeared to be in liquor ; the prisoners are not permitted to be in the market square ; the gates were locked ; when the prisoners were driven through the gate, the soldiers fired ; they fired into No. 1 gate ; I heard no order to fire ; was not in a situation to hear it ; the soldiers fired right into the gates ; did not observe how the muskets were levelled the first fire ; I considered they fired with blank cartridges at first ; this was into No. 1 gate, and there were only a few shots, but afterwards a volley ; I saw a man fall at No. 7 gate, when I, with others, attempted to remove him, when another volley was fired in ; put him behind the wall ; he said he was wounded in the breast ; we put our hands there but felt nothing ; he soon died, and then we found the ball had entered his head. At the time of the first fire I heard no abuse from the prisoners, nor saw no stones thrown during the whole time ; there was some turf inside the square which I thought had been brought in by the people who had the liberty of the square ; after the first fire the prisoners did not rally or cheer but were eager to get into their prisons ; I cannot say why so many of the prisoners were out at the time ; I did not hear the alarm bell ; a number of the prisoners knew nothing of it till they heard the report of the muskets ; saw an officer with the soldiers ; the officer was the first man who entered No. 7 yard ; it was not captain Shortland ; I saw captain Shortland in the yard, but whether it was him or the other officer who first came in I don't know ; I saw an officer had hold of a prisoner by the collar and strike him with a sword once or twice ; he made no attempt to stab him ; I then went into No. 7, and saw nothing more. There was no particular uneasiness among the prisoners, at not being released, only talking about it,

and saying they thought it hard ; but they were as obedient to the orders and regulations of the prison, as before the account of the ratification.

JOHN HUBBARD, prisoner, being sworn, says:—I was carrying a wounded man to the hospital; captain Shortland came up to me; I was then about half way up the market square; he ordered me to drop the man; I told him I should not, for he was a dead man and I wanted to take him to the hospital; he gave me a crack on the neck with his fist and ordered the soldiers to charge on us; I then went back directly as the soldiers were running towards me, and ran in; they did not follow us any distance; they halted as soon as we ran; when I got in I called to captain Shortland and told him, “you will recollect, sir, you struck me, if you are brought to account for this;” he said “he would strike my damned heart if he had me there;” I am sure of this; I did not threaten him that I would have satisfaction of him. I don’t know any of the men who were with me, helping to take the dead man; there were about four or five; the soldiers at this time were drawn up across the square; there had been much firing before this; I saw the soldiers fire into No. 3, after the prisoners were in; I was standing close to the door; I belong to that prison and mess close to the door; there were 18 or 20 soldiers at the door, but don’t know whether they all fired; I saw the muskets levelled; 7 or 8 shots struck the stairs and some went to the other side of the prison; at this time there were 5 or 6 prisoners going in at the door; one got wounded on the step; I did not see any stones thrown out, but heard afterwards there was one thrown out.

HOMER HULL. (His evidence before the coroner being read to him, he said it was correct.)

I am sure I heard captain Shortland give orders to fire—I was then about thirty or forty feet from him, near gate No. 4, under the platform—he was then facing me. The first fire was a volley—there were no straggling guns preceded the volley—they fired immediately after they got the word—there was no hesitation. I don’t think there were more than three or four prisoners in the mar-

ket square in front of the soldiers at the time of the first fire—they had retreated through the gate, and shut it after them.

JAMES REEVES, prisoner, being sworn, says: I belonged to prison No. 1. I was rather groggy that evening. I saw a mulatto man, who was groggy, break the chain which fastened the gate No. 1, with a bar like a crow bar; the bar was flat and thick, something like a chisel about two feet long; the alarm bell was ringing at the time he was breaking the chain, before the gate was broken open. I suppose there were as many as fifty persons around the gate; the pressure they made parted the gate sooner. As soon as the gate was open a great many rushed through into the square—there were about twelve or thirteen—there were a great many between the two railings—they were all hallooing and making a noise. I went out into the square—I was tipsy, or I suppose I should not have done it. I saw the soldiers coming down; they charged upon us immediately, and I then went back directly. I was pricked. I lost my hat, and went to pick it up, when I was pricked again. I went back with my face to them; some turned their backs; but I stood a little more upon going back than I should have done had I been sober. I received two pricks in the breast, and two in the arm. We shut the gate as soon as we could. Captain Shortland was abreast of the gate No. 1, in front of the soldiers. I am pretty sure he was in front of them. I heard him sing out, "fire," twice—heard him order both to charge and fire—can swear I heard him order to fire twice—think captain Shortland was in front of the soldiers—cannot say how he escaped being shot more than myself. I heard no shouting among the prisoners after the firing. After we were inside No. 1 prison, I watched an opportunity, being mad at being pricked, and flung a stone myself out at the soldiers—the soldiers had fired into the prison before I did so. I saw no stones thrown, nor heard no abuse after the charge, and before the firing—but after the firing the prisoners ran into the yard, and sung out, "fire and be damned," and dared them—I cried out, fire and be damned, which I did because I was mad at being pricked for nothing, as I thought. Mr. Magrath, the surgeon,

spoke to us, and desired us to go back—he said if any blame was to be attributed to any body that we were not sent home, it was not owing to captain Shortland or the English government, but to Mr. Beasley. Some did go back in consequence, and if I had been sober I should probably have done so too. This was before any soldiers were in the square.

WILLIAM MITCHELL, prisoner, being sworn, says: I belonged to No. 1; was walking in the yard, as were a great many more, it being very fine—did not know any thing particular was going on—I saw Nichols, the turnkey, running down, and a great many prisoners with him, singing out, keeno; they ran out of curiosity, to see what was the matter—I did not know what was the matter. About this time I heard first a single musket, and afterwards a volley, and then more. I asked what was the matter, and was told some boys had made a hole in the wall of No. 7 yard—I said, “what do they fire here for.” I went and helped to shut the inner gate of No. 1, and said we had no business with soldiers there. There were not above thirty prisoners there at that time. The soldiers came in. I saw two officers, and spoke to one, and asked him why he fired upon people who made no resistance—he told me he had been through the hole in the wall himself. Captain Shortland told the prisoners to go to their prisons. The soldiers came in, charged them to their prisons, and wounded several. I did not hear the horn or the alarm bell. The prisoners don’t usually go in when the horn first sounds, till the turnkeys come down and tell them to turn in; they first go and lock three doors, and afterwards the fourth and last.

GEORGE CHALLACUMB, being sworn, says: I am a carter, belonging to the prison establishment. I went to Plymouth on the 6th of April with a letter; I overtook a man, named Roberts, on the road, who had been released from prison that morning; he told me his name was Roberts. I entered into conversation with him—he said he was glad he was released, for he thought that in a few days an attempt would be made to break out of prison. I asked him how it would be done; he said there was talk among the ringleaders, that it should be at the time the bread wagons went in, when the iron gates were open;

and he feared the consequences would be very great—he said that Slater and Jack Crandall were ringleaders of the whole. I did not mention this at Plymouth. It was ten o'clock at night when I returned, and then the affair at the prison had happened. Next morning I told the chief clerk, Mr. Holmden, what I had heard, and advised him not to keep both gates open at once. (There are on the books two such names as Slater and Crandall.)

LOT DAVIS, prisoner, of No. 5 prison, being sworn, says: I was walking about half way between the hole and the gate. The cook house of No. 6 was, I thought, the only safe place from the firing; I tried to get into No. 5, but could not, and remained in the cook house until next morning. I heard scattering guns firing after the prisoners were all running away, as if fired at single persons crossing the yard.

SAMUEL BEST, turnkey, being sworn, says—On opening the door from the railing towards the receiving house on the morning of the 5th April, about half past seven o'clock, a prisoner said to me, "Well, turnkey, how did you like the keeno yesterday?" I told him I did not know any thing of it, having been away; but from what I heard they had acted very improperly; he said, "damn you, in a quarter of an hour we can have all the bloody walls down." I turned round and the conversation ended. No other prisoners joined in these expressions; several were round waiting to go into the receiving house. On the 6th instant, in the evening, when all was quiet after the affray, Mr. Mercer, who assisted in the dispensary, said he hoped the prisoners would not attempt any thing again; I replied it would be quite madness, as they were unarmed, and hoped they would be reconciled. He said it might be different if they were to make another attempt, as they would not be taken by surprise again; and intimated, as I understood, that they had upwards of 300 pistols and 500 files, which I understood were sharp and fastened on pieces of wood, and enough gunpowder to blow up the walls. I heard the next day a prisoner say on the other side of the wall, if they could have got 100 muskets they would have been better pleased, or would have done better, or something to that effect.

DAVID SPENCER WARREN, prisoner, being sworn. (His evidence before the coroner was read to him, and he said it was all true, and that he had nothing to correct.)

I was within seven or eight feet of captain Shortland when I heard him give orders to fire; I was inside my own prison yard and captain Shortland was close to the gate; that was the first firing I heard; there had been none before. Soldiers had broken up their line when captain Shortland led them into the prison yard. Captain Shortland was at the head of them; in front of them all, when I heard him tell the men to fire. They did not fire the first time he said fire, it was about a minute afterwards before they fired. He said fire, three times; the last time he caught hold of a musket and turned it towards a man standing opposite him, saying, "God damn you, fire." I cannot swear that that musket was fired. The firing commenced at first by one musket, then two, and afterwards a general fire. I am sure the firing did not begin by a volley. I am sure what I state is true. There had been no firing before I saw captain Shortland take hold of the musket; I had heard none. I saw no prisoners have hold of this musket at the time. Captain Shortland when he told them to fire was in front, one soldier beside him; they might have fired at his side or over him without hurting him.

RICHARD WALKER, private in the Derby militia, being sworn, says—I was one of the south guard on the evening of the sixth; I was in the market square when the firing began, on the right of the north guard; when it began there was not a prisoner in the square; when the soldiers charged there were a great many in; can't say how many. They went back to their own yard directly; was formed nearly on a line with the north guard. After the charge the prisoners returned to the gate and tried to force it; they made a great noise and used very abusive language; they did not come back into the market square. I heard no order to fire; first one musket was fired; it was by a sentry posted at the bottom of the square, in consequence of the prisoners abusing him. I saw this; I can't say I saw the prisoners take hold of his musket. I saw them throw no stones before, but after it was fired they did; one hit me on the arm. I might not have seen it

had the prisoners caught hold of his musket. It might be two minutes before there was firing again. As soon as the prisoners threw stones there was more firing. They fired several together, but not in a volley. Don't recollect I heard any order to fire. Heard several call out fire, and supposed it might be the prisoners who were calling out. I heard the word fire repeated, but don't know by whom. I was close enough to hear the prisoners call out. Saw captain Shortland come down, break through the guard, and heard him order them to cease firing; this was very soon after the firing began. He called out to the prisoners, "For God's sake, men, go in, go in." The soldiers did the same. Captain Shortland came down the square from behind the line, broke through the guard, and ordered them to cease firing. I did not know where he was before the firing.

WILLIAM WARD, private in the Derby militia, being sworn, says—I was not in the market square when the firing began. I came up just after. Captain Shortland, after it had continued some time, came up and ordered the soldiers to cease firing. They immediately ceased. He said to the prisoners, "For God's sake all of you go in;" the whole of the soldiers said the same. The prisoners ran up to the gates after that with a stronger force than before, making a great noise, but not insulting the soldiers. Saw no stones thrown. When captain Shortland gave orders to cease firing, they did so immediately; afterwards the prisoners came up in large bodies, there was more firing. I did not see any prisoners come into the square after that. I don't know who ordered the firing afterwards; I heard captain Shortland order the soldiers to cease firing; he run from behind the line to the front and held up both his hands saying, "For God's sake cease firing."

WILLIAM NORRIS, turnkey, being sworn, says—I was not in the market square before the firing ceased. I came into the front yard and was told by a turnkey in the lodge that the prisoners had made a breach. I ran to it, and some soldiers came to relieve the sentry at the hole. The prisoners were abusing him and daring him to fire, saying his orders were not to fire. I saw captain Shortland at

the breach ; he said the prisoners must have some bad intention. He came round by the military way to the front of the gate, and ordered me to ring the alarm bell, which I did ; he was then in front of the upper gate between it and the lodge ; this was previous to any knowledge of the bursting the gate. When I had rung the alarm bell, I went to the military way ; one musket was fired first, and afterwards there was a general fire. After which captain Shortland and some officers called for the turnkeys ; I ran through the line ; he told me to take a wounded man to the hospital, which I and two others did. I returned to the market square ; he ordered me to take another ; he was dead. I took him to the burying house. The wounded man was brought out of No. 1 ; the dead man I found in the square. I was afterwards employed in carrying away the wounded.

JOHN RODD, turnkey, being sworn, says :—I blew the horn for locking up, on the evening of the 6th ; blow it always for about one quarter of an hour ; I did so that evening ; I went down afterwards to lock up No. 4 prison ; while at the doors of it, I heard the alarm bell ring ; as soon as the prisoners hear the horn, they generally begin to go in ; they did so that night ; they were going into No. 4 quite fast ; they rushed out again up to the gates to see what was the matter ; they ran up the yard ; I cried out that night as I went down the yard, “ turn in, turn in ; the alarm bell is rung to assemble all the department.” I came back into the market square, and when I got there there was a firing and a cry for the turnkeys ; I came and assisted to carry the wounded men to the hospital.

DANIEL NICHOLLS, turnkey, being sworn, says : I was in prison yard No. 1, to lock the doors ; the horn had done sounding before ; before I came to the first door to lock up, the alarm bell rang ; the prisoners were going in just as usual ; but when the alarm bell rang they called out to know what was the matter and thronged so much to the door that I could not shut it ; I proceeded towards the gate, but before I reached it the firing commenced ; I was about half way up the yard when it began ; hearing a ball whizzing by me, I returned to the end of the prison and waited some time, till seeing the lamp lighter get over the wall by his ladder I thought it a good opportunity for me

to get over also, and did so; I came round to the market square; captain Shortland was calling for turnkeys, and I went to assist in carrying the wounded to the hospital; the firing had ceased in the market square when I reached it; I heard much firing afterwards in the prison yards; when I came to lock up the second time, the prisoners threw a stone at me from No. 1, and the sentry then fired in at the door; I don't know who the sentry was; they shoved the door too, and would then open it again and throw out stones before I could fasten it; I can't say whether the door was open when the sentry fired.

DAVID PITMORE, turnkey, being sworn, says: The first I heard of the affair was a call for the guard; I went to the lodge, when captain Shortland ordered the alarm bell to be rung; I staid at the top of the yard till I heard a call for the turnkeys, and I then assisted in carrying away the wounded men; was at the lodge before the alarm bell rang; I saw the soldiers charging the prisoners back; they drove them out under the platform; saw the first firing; several prisoners rushed into the square before the charge; I do not think there were any in the square before the alarm bell rang; afterwards a gate was open and they were coming through.

JOHN FRENCH, turnkey of prison No. 3, being sworn, says:—I was going to lock up as usual on the evening of the 6th, after the horn had sounded; I was in the yard; the prisoners were going in very quietly; had locked one door and then heard the alarm bell; the prisoners asked what was the matter; I said I did not know; I continued locking up, and locked three doors; this went on till the firing began; I stood at the end of the prison and then got over the wall by the lamp lighter's ladder; I did not see the prisoners come out of No. 3 after the firing began; came round to the market square; the firing was then over there; after assisting to carry the wounded to the hospital I went to lock up No. 3; the soldiers fired into the door of that prison; I told the prisoners to go in; they were in the door-way and I touched them slightly with my hand, telling them to go in and let me shut the door, or the soldiers would fire; one of the soldiers touched one with his bayonet and advised them the same or they should fire; one man told him he might fire and be damned; im-

mediately an order was given to fire by somebody behind, whether by an officer or non-commissioned officer, I don't know, and several muskets were fired into the open door, I can't say how many, upon which I saw some prisoners drop ; don't know who ordered the fire ; sentries said to them, if you don't go in we must fire on you ; they said " fire and be damned ;" I believe only one said so ; there were many soldiers about the door ; can't say whether the soldiers could have driven them back by their bayonets, without firing, so as to have enabled me to shut the door ; the soldiers were about eight feet from the door when they fired ; I was in front and got back as quick as I could, and bent down as they fired.

JAMES CARLEY, turnkey, being sworn, says :—I came to the front of the iron gate in the military walk ; saw captain Shortland coming from the barracks with soldiers ; he made a halt at the blacksmith's shop ; I saw prisoners rushing towards the gate No. 1, between the two railings ; they sung out keeno ; I ordered out the bread wagon, then in the market square ; I opened the gate for the purpose ; as soon as the wagon was out I heard a bar knock against No. 1 gate ; I called out to captain Shortland that the prisoners were breaking out ; he went down with the military with both his hands in his breeches pockets ; the prisoners were rushing out, but I could not see how many there were, the military being between them and me. I staid till I heard a cry for the turnkeys ; went down to assist in carrying the wounded ; I saw a charge, but don't know whether it made the prisoners go back.

SAMUEL MORGAN, turnkey of No. 7, being sworn, says : after the horn had sounded I was in No. 5 and 7 yards, going to lock up. No door was locked when the alarm bell rang. When I first went into the yard there was a great crowd of prisoners round a hole in the wall ; as I passed by, they sung out, keeno, and they and others in the yard ran towards the railings, near the market square—about this time there were nearly seven or eight hundred prisoners in the yard ; many belonged to other yards—I took no notice. When I got to the cook house the bell rang ; they asked me what was the matter ; I said I did not know ; I passed on, and when I had shut one door,

I heard a firing—the prisoners seemed to retreat then. I got over the railings into the military way by the lamp lighter's ladder. There were then three doors of the prison open. I saw no stones thrown by the prisoners, being at the lower part of the yard, where there was no tumult. I came round to the market square when the firing was over—only a few muskets were fired afterwards; but did not see any while I was in the military walk. I saw the sentries fire from the ramparts. I then helped to carry away the wounded, seeing others do so. After locking up prison No. 7, which I did without difficulty, I went to No. 1, to shut up, and when putting one of the doors to, stones were thrown out—I was struck by one on the breast, and by one on the chin; I was pulling the inside door to; no muskets were fired into it then.

WILLIAM WAKELIN, turnkey of No. 5, being sworn, says: I had locked three doors of No. 5, when I heard a great noise, and the word *keeno* several times. On entering the prison yard there was a great body of prisoners between prison No. 7 and the barrack wall, round where the hole was—there were not more than usual round the railing. As usual, some prisoners were going in, and some kept coming out: there was nothing unusual in their manner at the bottom of the yard. I was coming up towards where the noise was when a bullet hissed by close to me. I then ran towards the ramparts to get out of the way. I got over the wall by the lamp lighter's ladder; then I came round to the market square, where I saw the soldiers drawn up in ranks. I went down, and heard captain Shortland call out for the turnkeys. I assisted to carry the wounded. The prisoners brought a wounded man from No. 1, and insisted on carrying him up themselves; captain Shortland ordered them to go back, but as they refused, he put out his hand, and pushed one of them, without using violence; they would not go, and the soldiers were obliged to charge on them—one man pulled open his clothes, and challenged them to fire—captain Shortland pushed him, but it was not with violence. This man was very turbulent; his name is James Reeves. Afterwards I went to lock up No. 5, then all was quiet, and the prisoners were all away from the door.

RICHARD ARNOLD, turnkey, being sworn. (His evidence before the coroner was read to him, and he said it was all perfectly correct.) Captain Shortland, at the time of the first fire, was in front of the line of soldiers, and it was almost impossible for him, had they fired a volley, to escape death himself. He was persuading the prisoners to go back when I told captain Shortland they were making a hole in the wall ; he told me to call the guard, but did not use any oath, nor did he blame me for not telling him of it before.

JOHN ARNOLD, steward at the contractor's store for the prisoners in health, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing material to add to it.)

STEPHEN HALL, turnkey, being sworn. (His evidence before the coroner was read to him, and he said it was correct. One of the iron bars mentioned therein was bent ; the bars appeared to him to be some of those from the railings.)

JOHN TOZER, being sworn. (His evidence before the coroner was read to him, and he said it was correct, and that he had nothing to add to it.)

HENRY ROWE, plumber and glazier of the prison establishment, being sworn, says : I saw the sentry at the breach charge down his musket, and several stones thrown at him, while he kept telling the prisoners he must fire. I was then on the south guard platform. I went to the platform, at the foot of the market square, and saw about six or seven hundred prisoners at the hole ; and presently they sung out, keeno, and ran towards the railings—they rushed in under the platform. Seeing this, I left the platform, and was going up to the market square ; before I was half way up I heard them knocking the chain of No. 1 gate, which soon burst open, and a great number, I can't say how many, but suppose about five or six hundred rushed into the square. I did not see captain Shortland or the soldiers come into the square. The prisoners had broken the lock before they did come in ; it was done before I left the square ; the alarm bell rung after I left it.

(Being called again,) he said: he does remember to have told captain Shortland that the gate was burst—captain Shortland was then in the military walk near the turnkey's lodge, standing alone, without the guard—he did not hear him give any order in consequence. It might be a minute or so before captain Shortland went into the square.

JOHN MITCHELL, clerk to captain Shortland, being sworn.

(His evidence before the coroner was read to him, and he said that it was correct, and he had only to add as follows:) While I was on the platform observing the prisoners throwing peat at each other, as I stated in the deposition, between the wall and the iron railings, I observed a great body of prisoners round the place where the breach was, but they were so numerous that I could not see what was doing. When I went with the turnkeys to remove the wounded, I observed captain Shortland exerting himself as much as a man could do, for them, and in having them conveyed to the hospital: he desired me to procure turnkeys to remove a wounded man who was sitting in a sentry box, and desired me to exert myself as much as possible in having the wounded removed; the cry of the military for the keys of No. 5 and 7, was from those who had not been active, and appeared to me to proceed from anxiety to secure the prisoners, not from any vindictiveness; this party did not fire while I was in the yard with them; they called for the keys for the purpose of shutting up the prisoners.

ROBERT HOLMDEN, first clerk to captain Shortland, being sworn:

(His evidence before the coroner, was read to him, and he said it was correct.) I saw a great body of prisoners at the breach; the prisoners had broken the gate of No. 1, next the market square, before the alarm bell rang; I was with captain Shortland when the report of it was made to him; it was made by Henry Rowe; whereupon captain Shortland, who was a great deal agitated, said, "where are the guards, where shall we get help?" and I advised ringing the alarm bell, which was done.

ROBERT M'FARLANE, assistant surgeon, being sworn.

His evidence before the coroner being read to him, he said it was all correct.

JOHN BENNETT, store clerk, being sworn, says : I was at the breach ; the prisoners were using very abusive language ; I saw no stones thrown ; I proceeded down the military walk ; I was very near captain Shortland near the blacksmith's shop in the military way ; several people reported to captain Shortland that the prisoners were forcing the gate, and he then ordered the alarm bell to be rung ; he went into the square with the guard ; I heard captain Shortland tell the prisoners in the market square to go back to their different prisons, and say how sorry he should be to use force ; he remonstrated with them ; this seemed to have no other effect than to produce the most infamous language from them ; some minutes after a musket went off, and soon after many others ; I was then so near captain Shortland that I am sure I should have heard it had he given orders to fire ; but I did not, nor did I hear an order from any body—I did not see the charge, I heard captain Shortland order the soldiers to advance. Captain Shortland said, in my hearing : “ my good fellows, go to your different prisons, or the military must do their duty.” I suppose the prisoners in the square must have exceeded some hundreds when captain Shortland went in with the guards.

GEORGE MAGRATH, surgeon of the hospital, being sworn. (His evidence before the coroner was read to him, and he had nothing to add to it, but felt it his duty to say :) As some imputation of inebriety has been made against captain Shortland, I think it justice to say, that having observed him on the evening of the 6th, no man could be more free from it ; and from my acquaintance with him and with his general habits in his family, I do not think any man can be more abstemious. I should consider it equally incumbent on me, as imputations of barbarity have been made against him, to say ; that whenever I had occasion, as often happened, to make representations to him of any arrangement calculated for the health and comfort of the prisoners, he has always adopted it with great alacrity and shown every disposition to do every thing for their welfare.

GEORGE HOLLAND, bugler of the Derby militia, being sworn, says : I recollect sounding the bugle on the evening of the 6th, in consequence of the prisoners breaking the wall ; several officers of the Somerset passing backwards and forwards in the military way, said, “ the prisoners’ were breaking down the wall and were breaking out of the gates, and were getting out, and every person would be killed ; and told me on that account to sound a fire on the bugle, which I did ; before this a considerable time, there had been firing, and I am sure not four men would have known any thing about the sounds of the bugle if they were asked now.

Adjourned until to-morrow at 8 o’clock.

Met, pursuant to Adjournment at 3 o’clock—Dartmoor Prison of War, Monday, April 24, 1815—Present, Paul Treby Treby, Esq.

JOHN COLLARD, sergeant in the 1st Somerset militia, being sworn, says—I was on the north guard, commanded on the evening of the 6th, by lieutenant Avelyn. Some one, belonging to the department came, and told me to call out my guard ; saying, fall in your guards as soon as possible, and march it up to the west yard, and that that guard was going to the barrack yard where the breach was. I fell in the guard, and marched them up opposite the west guard, where I halted them ; was not there long before captain Shortland came up : he ordered me to take the guard to the market square, and form it across ; had seen nothing before this of what passed. On entering the market square I heard a chain rattle at gate No. 1, on the left hand side.—I formed the guard across the square ; the guard was at the west guard house before the alarm bell rang ; it rang a little first—stopped ; and then I heard captain Shortland order it to be rung again. This was before we went into the square ; it was not rung again till as we were going in. I observed two or three prisoners come out of gate No. 1, from the prison yard, just as I entered the market gate ; a greater number had entered before the guard formed ; whilst it was forming, I ordered the two sentries in front of the railings at the bottom, and the two on the platform above, to leave their posts and join the guard ; they were all that were at those situations.

As soon as they heard me thus order, the prisoners began to cry out keeno, and rushed into the square in as great numbers as they possibly could through the gate which had been broken. By the time I had formed my guard, they came up in great numbers close to us on our left flank; the guard gave way on the left where it was weakest, and where the prisoners made the greatest efforts to pass; the soldiers were then at the shoulder when the guard gave way. Captain Shortland ordered it to charge; he told off about fifteen file himself, whom he ordered to charge; repeated it two or three times before they did; they endeavoured to drive them back, but did not charge the same as they would an enemy; if they had they must have killed scores of them, as every bayonet would have told; they tried to drive them back without committing murder; the right of the guard did not charge; we drove them back about half the ground they had gained in the square. I was in the rear of the charging party; only the fifteen file told off charged in this way at first; the prisoners then began to throw stones at us in great numbers from within the railings and from the market square; there were some scores still in the market square; they were hurraing at the same time. An order was then given to fire on them; I heard the word given to fire by some one; I think the word given was in my rear; we were in great confusion; I was then in the rear of the soldiers; the prisoners were crying out fire; I could not then see captain Shortland; I did not look out for him; I had something else to think of, when the order to fire was given; two or three men fired; immediately they obeyed the order; one musket was discharged first, and one or two very soon after. When these were discharged, I did not see any man killed, or any one hurt among the prisoners; I think the soldiers fired over their heads; then some prisoner or prisoners said, "You buggers why don't you fire; you have nothing but blank cartridges." Afterwards the firing became general, and the prisoners were driven into the yard. I heard no word of command for the second firing; the firing was not in a volley, but in small numbers at a time. There was no general return of the prisoners from the yard after the firing had taken place; they could not stand the firing; they could not come without being murdered the whole of them; they did not rally after the

firing became general. I don't know how long the firing continued ; but after it had gone on some time, the prisoners dispersed into their yards ; then captain Shortland ordered the firing to cease. I am sure he did. He put up his hands, and said, " cease firing ;" giving it as a word of command : it then ceased generally in the market place. As soon as possible a party of soldiers was ordered into the prison yards to turn the prisoners into their different prisons. I know nothing of what happened afterwards in the prison yard, as I remained in the square with the rest of the guard. I afterwards heard some firing in the yard, but paid no attention to it. I think the firing must have ceased from the ramparts soon after, otherwise some of our soldiers in the yard must have been shot. The general tenour of the prisoners' conduct was riotous. Many of our men were much hurt by the stones thrown, but not so as to be disabled from doing duty. I am satisfied, in my own mind that, without the firing, the prisoners could not have been driven back. Had we charged on them like an enemy, we must have killed a great number ; every bayonet must have killed one or more prisoners, they being so thick. The number of soldiers in the square, at the first firing, was about 54, exclusive of sergeants ; our guard was about 38 ; and there were about 14 of the west guard. I can't say how many came in afterwards. The whole regiment assembled as soon as possible after the alarm ; no officer gave orders to cease firing before captain Shortland ; had there been such an order, it would have been obeyed.

STEPHEN LAPHORN, private in the 1st Somerset militia, being sworn, says—I was on the north guard on the evening of the 6th ; went into the market square with it ; when I first went in, I saw two or three prisoners in the square near No. 1 gate ; about 150 came in afterwards while we were forming ; they pressed up very near the military ; some of the military were ordered to charge, which was done ; some prisoners went back in consequence, but others were coming through the gate upon us. Before the firing began, they had never been entirely driven out of the square. I heard an order given to fire, but don't know who gave it ; it came from the right, in front ; I was on the left. I did not see captain Shortland at this

time ; I can't say whose voice it was ; am not sure whether it was from the prisoners or the military. The firing began immediately from about the centre ; it did not begin by one musket, but by several together. When the firing began, I was at the charge ; two prisoners seized my bayonet, and tried to twist it off ; I don't know who they were. I told them to let go ; they said they would not—adding, fire and be damned. I got myself in danger, and was obliged to fire to get my musket released ; I did so ; but there were upwards of 20 fired before mine ; saw a great quantity of stones thrown before my firing ; while we were at the charge, the prisoners threw them till the last ; one man stooped to pick up his cap, which I believe had been knocked off by a stone ; this was before any firing. I don't think the prisoners would have been driven back without firing ; as they continued pressing on, captain Shortland was persuading them to retire, but they would not, saying they were not prisoners of war. I heard major Jolliff give orders to cease firing before they were driven into the prison yard, and before the firing ceased in the market square. I think he did so as soon as he came down ; he was not there at first. Stones were thrown, and the firing continued in consequence after this order. I also heard several voices say cease firing, but cannot say whether they came from the military or from the prisoners.

WILLIAM GIFFORD, private in the 1st Somerset militia, being sworn.

(His evidence before the coroner was read to him, and he said it was all correct.) I heard captain Shortland say—cease firing, about a few minutes after it began, he put his hand up by way of signal and said so ; I don't know who gave the word to fire ; I did not see where captain Shortland was when the order was given to fire ; I think he had just gone towards the left, and the word appeared to me to come from the right ; therefore, I think it could not have been him who gave it ; I did not hear first one musket discharged ; the firing at first must have been in the air, otherwise there must have been more prisoners hurt. Captain Shortland was running up and down when the word was given to fire ; I heard no order given by any body else than captain Shortland to cease firing. I don't

know that it would have ceased, had orders been given; the prisoners were throwing stones and bricks continually; the firing ceased for a few minutes, after captain Shortland ordered it to cease; the conduct of the prisoners was such that it made us afraid from the stones thrown; and I don't think they could have been driven back without the firing. Had orders been given by any body else to cease firing, it might not have been heard from the noise.

JOHN SOATHERN, private in the Derby militia, being sworn, says : I was one of the south guard on the evening of the 6th; was one of those formed across the square on the right of the north guard; I saw the prisoners charged down nearly to the railings; our guard charged down to the railings after the north guard. We went close to the railings, my bayonet touched them; when we got there, the prisoners began throwing stones; we stepped back a few paces, being so near the railings; one stone struck me on the right side; it almost knocked me down; I should have fallen had not a man kept me up; just then the firing commenced; after some time of firing captain Shortland came in front and said, holding his hands up, "for God's sake men, cease firing—cease firing." He went near to the railings; I and several others called to him, "come back, it is almost dusk;" he said "you know me men, do cease firing;" but several muskets were discharged after this. Captain Shortland was not near me when it commenced; I did not see him; the order to fire was given at the left, and it passed through the ranks one after another, saying "fire, fire," but there was so much noise and shouting by the prisoners that it is impossible for me to say, who gave the word; I believe I was the 6th or 7th file from the right; I remained in the market square; I don't know what passed in the prison yard; I heard no officer before captain Shortland say, cease firing; but a few seconds afterwards some officers did. I did not see any prisoners in the market square when the firing began, but they were behind the railings under the platform, throwing stones; I could not see about gate No. 1, there being sentry boxes between.

LIEUTENANT AVELINE, of the first Somerset militia, being sworn, says : I commanded the north guard on the evening of the 6th, I came into the market square with captain Shortland ; the prisoners had burst No. 1 gate, and were rushing through in a great crowd when we went in, so that I thought the whole of them were coming out ; captain Shortland went forward to speak to them. I heard him saying " my good fellows do go back ; " I did hear him say that, but the prisoners were making so much noise that I could not distinguish much of what he said ; he also called to me not to suffer the prisoners to come too near my guard ; they were then pressing forward in a very threatening manner ; the guard was formed across the square about the middle ; my guard was then about thirty-eight men, and there were some others ; the prisoners were so pressing on my guard, that many on the left fell back several paces ; in order that they might not come too near them ; they were then not close up to the wall, but I made them form close up afterwards ; the left of my guard charged and I was with them—driving the prisoners back ; they did not charge by my order, nor did I hear captain Shortland order it ; I considered myself under captain Shortland's orders ; had I been alone, I certainly would have charged the prisoners long before, or rather have fired, conceiving it to be necessary from the threatening manner of the prisoners, and the great body of them which was coming up, and could soon have surrounded my guard. They were not quite driven out of the square by the charge ; it was during this charge that I heard the first musket fired ; I could not see where it was fired from, not being near enough, and being so much engaged in driving the prisoners back ; it was I think to my right ; at the first there was a single shot, and almost instantly after several others were fired ; I heard no distinct order to fire ; many of the prisoners were crying out to fire, and defying the soldiers ; I was very near captain Shortland at the time, and think I should have heard him had he given the order ; I heard no distinct order at first, or at any time to fire ; captain Shortland was then near gate No. 1, to the left in front of the soldiers, and it would have been madness in him to have given the order in that situation. I was in front when the firing commenced, and retired into the rear for my own safety ; the prisoners retreated on the firing taking

place; I gave orders to cease firing, after some time my guard then ceased, and I went to the front of the men; I did not hear any body else give orders to cease firing before myself, neither major Jolliff nor captain Shortland; the noise was so great that I could not hear; I am certain had one man by chance fired, the irritation of the soldiers from the stones thrown at them previously was then so great that almost the whole of them would have followed; the prisoners did not appear to care for the bayonet, and I do not think from the state they were in, they could have been driven back without firing. The charge was not made with violence as against an enemy—the prisoners were struggling with the soldiers; many defied them; but others said they could not go back, as the press was so great; I remained in the market square, did not go into the prison yard; I kept my guard with me; one prisoner after the firing was over came up, opened his clothes and dared the soldiers to fire; I do not think the prisoners generally were intoxicated, but resolute. I do not think any man could have behaved like captain Shortland who was intoxicated, and I think he behaved with courage and humanity.

ENSIGN SAMUEL WHITE, of the first Somerset militia, being sworn. (His evidence before the coroner was read to him, and he said he had nothing to add or alter.) I do not know of any order to the soldiers on the ramparts to fire, but suppose they took it up from the others; I suppose there might have been about half a dozen of my guard in the market square; there was no firing through the breach.

LIEUTENANT FORTYE, of the first Somerset militia, being sworn, says: I had the command of the south guard on the evening of the 6th; I went into the square with my guard after the north was in, and formed on their right; they were already formed and in the act of firing when I arrived; that guard was then about fifteen or twenty feet from the iron railings; there were no prisoners in the square between my guard and the railings; could not see to the left on account of the north guard; my guard took up the firing from others without any orders; immediately after they had formed in support of the north guard; as

soon as we formed I ordered the firing to cease. As soon as it could possibly be restrained I stopped it, it ceased almost immediately ; I saw nobody else endeavour to stop the firing before. As soon as the prisoners had retired to their yards, my guard ordered their arms ; remained where they were, and I remained with them ; I cannot, therefore, speak to any thing that took place afterwards.

JAMES GREENLAW, late second officer of the Prince de Neufchatel, American prisoner, being sworn. (His evidence before the coroner was read to him, and he said it was all correct.) I was between the two railings under the platform when I heard captain Shortland give the order to fire ; I saw him then at the head of the troops, about the centre of the yard, close in front of them ; when I heard the word to fire, I retreated into yard No. 4 ; had just got inside the gate when it began ; it began immediately by a volley, not by a single musket ; I am sure it began by a volley—I do not know how captain Shortland escaped ; I suppose he knew how to take care of himself, and that his own men would not fire on him ; he appeared to me to be standing close to the soldiers ; I saw no stones thrown before the firing began ; I don't know that I could have seen them ; the prisoners were trying to get into No. 3, quietly, when the soldiers fired into it ; I did not see any resistance among them. (This prisoner has a midshipman's warrant in the United States navy, and a furlough.)

JOHN SLATER, citizen of the United States, being sworn, says : I don't know an American prisoner named Roberts ; I have been confined here above six months ; I know of no concert among the prisoners to break out by force ; only attempts of individuals to escape at different times. I was at the gate No. 7 ; I was passing between No. 6 and 7 with two more men, when a party of five soldiers, I think, crossed at the further end of the prison from us ; one man named Washington fell, but whether from the firing of this party, or from the ramparts, I do not know ; he fell against me and knocked me down ; I got up and ran away to my own prison, No. 5 ; there were only three prisoners on the spot where he was shot ; the shot went through his temple.

ENOCH BURNHAM, citizen of the United States, being sworn. (His evidence before the coroner was read to him, and he said it was all correct, and that he had nothing to add to it.)

ALEXANDER MARSHALL, citizen of the United States, being sworn, says : I belong to prison No. 1 ; there were not more than fifty prisoners in the square when the soldiers charged ; they charged as upon an enemy ; they began firing, and I ran to No. 1 gate to get to my prison, but was nearly ten minutes before I could, on account of the press of the prisoners ; there were about 400 soldiers in the market square.

CORNELIUS ROWE, citizen of the United States, being sworn, says—I belong to No. 1 prison ; I went to the breach ; those about it told me it was made to get back a ball ; they afterwards ran towards the gate No. 7, saying it was to shut it against the military ; I saw the military come down the square and heard captain Shortland order them to charge ; at which time there were about forty or fifty prisoners in the square ; I made towards my prison, and just as I got into the yard there was a firing, and the prisoners were rushing as fast as possible to their own prisons ; they shut the gate behind them ; there were about one hundred and fifty soldiers in the square.

WILLIAM DEWETTER, citizen of the United States, being sworn, says—I ran towards the gate to see what was the matter ; on arriving I saw the soldiers charge ; I turned round and just as I got inside the inner gate shots were fired ; one grazed the side of my head which made me giddy, and turned me round two or three times ; I saw a prisoner named Mann fall ; went to him and took him up ; the balls flew about so thick that if there was one I suppose there was one thousand.

THOMAS TINDALE, citizen of the United States being sworn, says—I was under the platform ; saw the soldiers coming down the market square and heard captain Shortland give orders to fire ; he was then about the centre and in front of the soldiers ; he had on a blue coat but without

epaulets; he had a drawn sword in his hand; he gave orders twice to fire; I was not ten steps from him when I heard him; I heard every word he said; I saw him plainly; the firing commenced by one musket first, then two, and afterwards a whole volley; the firing began when captain Shortland gave the word the second time; I heard captain Shortland tell the soldiers to fire low; he was then still in front of the soldiers; I believe he was standing inside the muzzles of the foremost muskets; the soldiers were formed two deep; when the balls began to fly thick, I escaped into No. 3, and saw no more of what passed afterwards; when I heard the order to fire I was about the middle of gate No. 4; the soldiers charged up to the railings and then fell back four or five paces, when captain Shortland gave the order to fire.

JOHN C. ROWLES, citizen of the United States, being sworn, says—I saw 40 or 50 prisoners in the market square when the soldiers were drawn up.

THOMAS GEO. SHORTLAND, captain R. N. commanding at the depot, being sworn, says—On the evening of the 6th, a little before seven o'clock, Mr. Holmden, 1st clerk, came to my house and informed me there was a disposition of the prisoners to be riotous, as they had got between the railings and wall of No. 7 yard, and there were a number of people collected in No. 7 yard; in consequence, I walked down to the upper gates; on coming there, I was informed the prison barrack wall had been breached. I went to that yard and saw a large hole, and the military guarding it under an officer whom I since knew to be lieutenant Avelyn—on getting to the breach I observed the prisoners using an iron bar to enlarge it. I remonstrated and told them it was the prison barrack yard, and that it would be dangerous for them to attempt to force in; the prisoners shouted and threw stones through the breach, and still continued at times to enlarge it. I then heard some one say they are breaching the wall above the cook house in the prison barrack yard, and nearly at the same time there was a call out that they were forcing the lower gates, while I was still in the lower barrack yard. I immediately left the yard and lieutenant Avelyn followed me, leaving the breach with a party and a sergeant; when

I arrived at the blacksmith's shop I saw a rush of prisoners between the iron rails under the platform: the gate was at this time forced and the prisoners were without the gates in the market square, where they were not allowed to be; seeing this and having in my mind the breach in the barrack wall and the reported breach above the cook house—bearing this in mind with the reported threats that had been constantly told me that the prisoners would liberate themselves on or before the 10th April, I ordered the alarm bell to be rung—at this time part of the west guard, which is called the piquet, had gone round to turn the prisoners out of the rail way in No. 7 yard, and another part of the same piquet was in the prison barrack yard; so that the force was reduced to the north guard only; lieutenant Avelyn formed that guard and marched down into the market square. I preceded them, and about half way down the guard formed in a line, keeping their left close to the hospital wall; at this time I should suppose there were from four to five hundred prisoners in the market square; I was perfectly unarmed and went down to remonstrate with them, using all persuasions in my power to make them return to their prisons, stating that the military guard was formed above them, and it was dangerous to attempt to use force. I was at this time about six paces in front of the guard; the prisoners kept still pressing up, and pressing me on the military; they appeared to want to get round the left of the military, keeping close to the hospital wall. At this time I looked back, and said, “for God's sake soldiers keep your ground,” bearing in mind that there was not a single soldier above these to prevent escape through the outer gates; almost immediately, about twelve or fifteen soldiers charged down towards No. 1, towards the hospital gates about five or six paces, and they returned into line again. I was still at this time in front, and had gone forward again, urging the prisoners who had retreated, when a discharge of musketry took place; while I was in that position, being to the right of the centre of the guard, and not near the hospital wall, a musket ball grazed my temple in that discharge, when I retreated into line with the soldiers; the prisoners retreated and advanced again, and about this time major Jolliff came down; there was a call of wounded men from the prisoners, upon which I called to the turnkeys to

assist in passing the wounded through the line of military, as they would not allow the prisoners to pass with them. While this was doing, there was another discharge both to my right and left ; these near me did not fire at this time, as whenever I could I had requested them to desist ; the turnkeys came down, (this was after the second discharge) and I was busily employed with Mr. Mitchell in directing the removal of the wounded up to the hospital. I can say nothing more of discharges of muskets in the market square. I only observed two discharges there. I heard some from the prison yards and from the ramparts. I was in the market square the whole time till the firing ceased, when major Jolliff came down to the market square. I gave myself no further thoughts to the military, my whole mind being occupied in directing assistance to the wounded. I repeatedly said to the prisoners, " for God's sake go to your prisons," previously to the firing, and between the discharges ; for being between the soldiers and them, I was warned by some of the former to keep clear of their fire, otherwise I should be shot. After the firing had ceased, and I got the receiving house door open to receive the wounded, I went into the north prison yard to see the prisoners shut up ; the turnkey, Nicholls, of No. 1, had got them all in, but the door was not secured, but which was soon effected by the military without firing. All the troops were marched out before I saw any thing more : I was in my undress uniform, and was perfectly unarmed. I never did give an order to fire ; and in support of this I can say, I stated in my official letter to general Brown, that major Jolliff gave the orders to fire, conceiving he had done so from seeing the major appear at that moment. Indeed in a former conversation with general Brown, in the presence of major Gladding, being asked if an attempt were made to resist the authority of the depot I should order the military to fire, I told general Brown as well as the major, that I did not think myself authorized to command the military to fire, because it was their duty to do it when they thought it necessary. I don't recollect a suspension of the ringing the bell, and then commencing again ; it was a continual ringing ; I ordered it in consequence of seeing that the prisoners had broken through the breach in the wall, and the other reported breach. I did not hear any order to fire ; it must

be understood that I was with the prisoners, who were making a great noise, hurraing and rioting at the time.

The two best prisons, as the prisoners call them, are the two smallest, and I don't conceive them to be the best, as the others are the most roomy, and have been put in a state of repair since the release of the French prisoners; those two (which are Nos. 2 and 6) have not. Being smaller, we keep one of them for a receiving prison for any drafts of prisoners who may come in of a sudden wet and fatigued: the other, when doctor Baird, inspector of hospitals, was down, he requested might be reserved for particular cases of contagion, as a sort of quarantine receiving house for newly arrived prisoners to prevent contagion spreading: the prisoners have been distributed nearly according to the directions of doctor Baird, (he having power to alter the distribution on his visits.) The provisions of all the prisoners were stopped by the transport board's direction, for undermining the prisons. I remonstrated with them that the innocent would suffer with the guilty, but they replied, that it must be so as in all general transactions of the kind. I was not out of the market square until all the firing had ceased; I was not in No. 7 yard until an hour after the whole was over. Gatchell's statement about my running down that yard, is not true. I recollect a man coming up the market square with a wounded man, and after being told to go away he would not, and I gave him a push; he said that I must recollect I had struck him, but I made him no answer. Taking into consideration the apparent temper and resolution of the prisoners, and my remonstrances having no effect, I do not think they could have been driven back without firing; without the firing, I think they might have forced the guard, which they were in the attempt to do; if that guard had been forced, the depot would have been lost. On all occasions when the market was stopped, or any measure of the kind was taken, it was reported to the transport board along with the reasons for it, and they sometimes directed the stoppage to be continued. I am in the habit of reporting it after it is done. (Captain Shortland read the copy of a letter to the transport board, dated 14th February, 1815: it states, that in consequence of the escape of Simon Hayes, who had been directed by the board to be kept in close confinement in the Cachott,

and his taking refuge among the prisoners, and the disorderly conduct of the prisoners in not allowing the lamp lighters to do their duty, he had stopped the market, and he read their answer, dated 16th February, approving of the measure in consequence of the reasons he stated.) The market has not been stopped more than twice. The first time was on the 24th October, 1814, on account of the prisoners not permitting themselves to be counted out of their prisons in the morning, which was necessary to ascertain if there was any escape. In a letter of the 27th, the board approved of the measure. In consequence of this, and the riotous conduct of the prisoners, captain Shortland stated several arrangements he had made since he came to the depot for the welfare of the prisoners; among others the following: On one occasion, when orders had been sent to remove the stoves from the prison on account of the health of the prisoners, he wrote a very strong letter to the board, urging that they might be retained, as they were very instrumental to the comfort of the prisoners. All the letters from prisoners to himself he opened and answered, and he keeps a clerk for the mere purpose of keeping accounts of moneys received for the prisoners.

He dates the commencement of the antipathy of the prisoners to him from the time when he got the transport board to prosecute some men for tattooing others; and states, that till that he was on good terms with them, going down at all times among them as he used among the French prisoners.

Deposition of John C. Clement.

I SAILED from New York the 9th January, 1813, on board the brig Star, captain Reed, for Bordeaux, and was captured on the 9th February following, in the bay of Biscay, by his Britannick majesty's ship Superb, (74,) honourable sir Charles Paget, commander. Went into Basque Roads, where, with other prisoners, I was put on board the Warspite, (74,) captain sir Henry Blackwood; proceeded in her to Plymouth, (England,) and on 19th March was sent on board the Hector, prison ship. On the 2d April 250 of us, American seamen, were marched to Dartmoor prison, where we were stowed in among 9

or 10,000 French prisoners, who were in a filthy, dirty condition. During our confinement, Shortland, the keeper, repeatedly stopped our markets for several days at a time without any provocation, or giving any reasons for this conduct, and our provisions were repeatedly short, not having our full allowance issued us. Shortland attempted several times to give us bad bread and provisions, and was guilty of many acts, tending to irritate us, and render our situation very uncomfortable. On the 5th of April last, particularly, he gave orders to the contractors to serve us bad bread, which the prisoners would not receive, and, at the usual hour of closing the prisons, the turnkeys came to shut us in for the night; but we proceeded in a body to the market square, where an officer of the guard, on our representations to him, (Shortland then being absent to Plymouth,) advised us to return to our prisons, and he would have the bread sent us; which was done, and we retired to rest about twelve at night.

On the 6th of April, (the following day,) at 6 P. M. while a number of American prisoners were playing ball in yard No. 7, where a small hole, the size of a large pane of glass, sufficiently large to admit a boy or small man, to pass through, had been made by some person or persons for the purpose of obtaining the ball when it flew over the wall into a large yard enclosed by high walls, (wherein the soldiers were stationed in the barracks :) at 6 P. M. as before mentioned, captain Shortland, the keeper, entered the gate of No. 1, with 250 or 300 soldiers, armed with muskets and bayonets, the alarm bell ringing at the same time, when he, Shortland, ordered one of the soldiers to fire at the prisoners in yard No. 1: the soldier not willingly obeying, he snatched a musket from one of them, and shot a prisoner. The soldiers then commenced firing on the prisoners, who were then sallying out of their prisons, to learn the cause of the firing, the soldiers continuing at same time to re-load and fire on them. Four or five soldiers proceeding at this time also to the extremity of the yard in pursuit of the flying prisoners, and, as they cried for quarters, they replied, "no quarter shall be given you, you damn'd yankee rascals"—or similar words—and instantly shot the flying prisoners. Shortland and the soldiers then pro-

ceeded to prison No. 3, (No. 2 being empty and closed,) where they fired through the windows and doors on the prisoners inside, and shot through the heart one man while in the act of drinking a can of beer, and wounded another as he was endeavouring to escape up stairs: they then proceeded to yard No. 4, where the 2d lieutenant, snatching a musket out of a soldier's hand, shot a boy, soldiers firing at same time into the prison through the doors and windows. After having received a reinforcement of soldiers, they then proceeded to yard No. 7, where they commenced an indiscriminate fire on the prisoners, while they were flying to escape into their prisons.

On this day there were seven prisoners killed, on the spot, and thirty-eight wounded, three of whom died two days after.

On the 7th April a coroner's inquest was held, composed of American prisoners, (the officers of the prison being present, all save captain Shortland,) where a verdict of "wilful murder" was brought in. On the 8th a coroner's inquest was held, composed of a number of neighbouring farmers, who returned a verdict of "justifiable homicide." On the 9th admiral Rowley and a British post captain arrived at the prison from Plymouth, by direction of the Transport Board, to inquire of the prisoners into the transaction. During our confinement the American agent, (Beasley) did not give us, say from 2d April, 1813, to March, 1814, the 6s. 8d. sterling per month, as well as the suit of clothes allowed us annually by our government—which money and clothes the prisoners have never received; and when I, with 250 others, were released from prison, there was likewise a shirt, pair of shoes, and 6s. 8d. due us, which we never received. The prisoners had applied to Beasley repeatedly for what was due them, but received no satisfaction.

He never visited the prisons but once during the two years and upwards I was there. The 250 prisoners, and, among them, myself, were released from prison on the 20th April last, and proceeded to Plymouth, and were put on board the cartel *Maria Christiana*, and arrived at New York on 6th June, 1815. I did not know, nor did I hear of a plot or scheme to escape out of prison, as alleged by Shortland, in justification of his attack on us on 6th April: On the contrary, it is my firm belief, if the gates had been

thrown open to us at this time, none of us would have sallied forth to escape, because, being most of us destitute of money (the agent having withheld our pay) numbers of us miserably clothed, and without shoes (also withheld from us) numbers having walked, when released from prison, barefoot to Plymouth, through fear also of being arrested and closely confined, or, what was more probable, impressed into the British service, at a time when there was a very hot impressment going on in England, because having also heard some weeks previous of peace having taken place between Great Britain and America, which would release us from prison.

I know of no cause or reason that can justify the unprovoked attack upon us by Shortland and the soldiery, but do verily believe the thing was wantonly, wickedly, and maliciously, premeditated by Shortland and his officers, to spill the blood and destroy a number of unarmed, defenceless American seamen.

Every thing I have stated I do, to the best of my recollection, believe to be, without the least exaggeration, strictly true.

JOHN C. CLEMENT.

Affirmed before

JOHN GEYER,

An Alderman of the city of Philadelphia.

June 19th, 1815.

List of Papers in Packet marked C.

EXTRACTS of a Letter from the Commissary General of Prisoners to R. G. Beasley, Esq. American Agent for Prisoners of War in England, dated March 6, 1815.

Letter of the Commissary General of Prisoners to George Barton, Esq. dated 6th March, 1815.

Table of Provisions to be allowed to Prisoners of War, whether American or British, on board of vessels transporting them.

Letter of R. G. Beasley to the Commissary General of Prisoners, dated 13th April, 1815.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport Office, 10th April, 1815.

Letter of J. P. Morier, to R. G. Beasley, dated Foreign Office, 11th April, 1815.

Letter of J. W. Croker, to J. P. Morier, dated Admiralty Office, 10th April, 1815.

Letter of R. G. Beasley, to the Commissary General of Prisoners, dated 15th April, 1815.

Report of the Committee of the American Prisoners confined at Dartmoor, dated 7th April, 1815.

Letter of R. G. Beasley, to the Commissary General of Prisoners, dated 18th April, 1815.

List of Prisoners wounded on the evening of the 6th April, 1815; signed by George Magrath, surgeon.

A Return of American Prisoners of War, who were killed and wounded in an attempt to force the military guard at Dartmoor Prison, on the evening of the 6th April, 1815; signed, Thomas George Shortland, Agent, George Magrath, Surgeon.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport Office, 19th April, 1815.

Letter of R. G. Beasley to the Commissary General of Prisoners, dated 30th April, 1815.

Extracts of a Letter from R. G. Beasley, to the Commissary General of Prisoners, dated 10th October, 1815.

Letter of R. G. Beasley to Alexander M'Leay, dated 1st January, 1815.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport Office, 21st January, 1815.

Letter of R. G. Beasley to Alexander M'Leay, dated 15th March, 1815.

Letter of Alexander M'Leay to R. G. Beasley, dated Transport Office, 15th March, 1815.

Extract of a Letter from R. G. Beasley to the Committee of American Prisoners of War at Dartmoor, dated 22d March, 1815.

Letter of R. G. Beasley to the American Prisoners of War at Ashburton, dated 23d March, 1815.

Letter of R. G. Beasley to Captain Shortland, dated 25th March, 1815.

Letter of R. G. Beasley to Dr. George Magrath, surgeon of Dartmoor Prison, dated 31st March, 1815.

Letter of R. G. Beasley to the Committee of American Prisoners of War at Dartmoor, dated 31st March, 1815.

(C)

Extracts of a Letter from the Commissary General of Prisoners to Reuben G. Beasley, Esq. American Agent for Prisoners in England, dated March 6, 1815.

I HAVE received your letters of November 17th, December 21st and 31st last, by the British sloop of war Favourite ; I could write you nothing definitive by the return of that vessel, in relation to the arrangements to be made in England for the restoration of our prisoners held there, as I could not, until after the time her despatches left the seat of government of the United States, come to to an understanding with Mr. Baker, charge des affaires for his Britannick majesty, as to the terms and manner of restoring the prisoners on both sides under the treaty.

I now enclose you a correspondence begun on the 22d February and concluded on the 28th, on that subject ; by this you will perceive the construction which is given here in relation to this point, and that Mr. Baker has declined in any way to commit his government, and that in order to produce as little expense and delay as possible to either government in the operation, I have given him the election of several propositions, after he declined to proceed on the principle which I had presumed to exist, and which in his letter of the 23d February he appears to admit ; that each party should restore to the country from which taken, the prisoners held by it ; and that the proposition he has accepted, embraced the transportation of all the prisoners, British and American, at English or American stations in this quarter ; at the expense, in the first instance, of this government ; the accounts to be adjusted hereafter, according to justice, and the terms of the treaty between the two governments. Preparations are now actually going on, for the immediate removal and transportation, of all the British prisoners we now hold in this country ; in numbers probably about 3,590 military and maritime.

The question you will remark, as to the restoration of American prisoners in England, is left open. You are requested immediately on reception of this letter, to communicate the correspondence with Mr. Baker, to the proper authority of the British government ; to show what is

doing here in relation to the delivery and receipt of prisoners of both countries; and to state that the liberal proposition, of taking upon ourselves the transportation both of British and American prisoners, and to make the requisite advances for this purpose, was offered in that spirit of amity, which it was deemed, on the happy return of peace between the two nations, to belong to the case; to ensure the most speedy relief to the unfortunate men held in durance by either, and to lessen the expense as much as possible to both governments; and with an express reservation of the construction of the treaty, as given here without commitment of the principle contended for by us, that is, that each party should pay the expense of the transportation and delivery of the prisoners held by it; that the operation will be performed in the most economical manner practicable; and accurate lists of prisoners, and accounts kept for the final adjustment of an account between the two governments; and you will require of the British government to transport and deliver all the American prisoners now in England, or elsewhere, not embraced in the arrangement with Mr. Baker, in the most speedy and convenient manner. If this is consented to, as I trust it will, you will ask to be permitted to make the same kind of interference, which has been afforded here to the British agents, as by the enclosed copy of a letter to Mr. Barton, (delegated by Mr. Baker,) of the 6th instant.

You will request that the same rations be allowed to our prisoners which are supplied on board ships to the British prisoners about to be transported from this country, and that a sufficiency of sound stores be laid in to supply them for 90 days, and you will apply for permission, and place on board each transport, an agent on whom you can rely, who shall have power to inspect the stores, and accommodations, and see that the prisoners are regularly and properly supplied; persons proper for these agencies may, no doubt, be found among the American masters and mates, now prisoners in England, to whom it will be right to make some reasonable compensation for their trouble, say 30 or 40 dollars per month, and you will instruct each in writing, and direct them to make report, on their arrival, to this office. You will require also, that the British government put a surgeon on board each vessel, supplied

with a proper quantity of medicine and medical stores, as has been done here.

In the embarkation and distribution, as to the ports of delivery here, you will have examined carefully all the lists, endeavour as much as possible so to assort the prisoners, as that each may be placed as far as is conveniently practicable, nearest his home ; or more properly speaking, to the port from which he sailed ; and for this purpose, you will designate for the destination of the transports, four of our principal ports along the coast, that is to say, Boston, New York, Norfolk, and Charleston ; I have named those near the ocean as being most easy of access, and least liable on that account to objection. To prevent complaint, it will be proper, with as few exceptions as possible, to send those prisoners first, who have been longest in captivity ; there is no other rule that carries so much justice with it, and it is naturally to be expected, that after such long and severe confinement, the anxiety of our unfortunate citizens so held, to be released, will be very great, and preferences out of turn will be viewed with great jealousy and discontent.

It remains to point out to you what is to be done should the British government, under all the circumstances stated, refuse to restore to us our prisoners in England at its expense. After making all proper efforts on this point, and with as little delay as possible ; should you fail, there will be nothing left, (having first protested in a respectful but firm manner, against such refusal, should it happen, and giving notice that an accurate account will be kept of all expenditures made by us in this part of the transaction, for future adjustment under the terms of the treaty,) but to take the most speedy and effectual measures of transporting them at the expense of this government in the first instance, at least, to the United States.

I have been particular in my instructions in this letter in endeavouring to anticipate alternatives, and to put you fully in possession of my ideas on all the points that occur to me at present, in order that you may be prepared to proceed immediately on its reception, in some one course, without a moment's delay. The operation you will have to perform, whatever course is taken, is one of much consequence in every view ; important to the government in affording the most speedy relief possible to our country-

men, placed in the hands of its late enemy by the fate of war; highly interesting to these unfortunate men, whose anxiety to return to their country and friends must increase, with the knowledge of the end of the war, and the expectation that nothing but forms and want of opportunity now retard their departure; and of great consideration to the commercial interest of the United States, to have restored to it so many valuable seamen with as little delay as possible.

Your zeal and activity are therefore fully counted on, to do all that may depend on you, to conduct this business to the best advantage in all its bearings, and with the requisite economy.

I particularly recommend that you do not permit the interchange of sentiments in negotiation with the British government, as to the mode and expense of transportation to be spun out, it will be expected that it will be prompt in deciding on the course it may determine to take in that matter; you will be readily able to show the necessity of an immediate decision.

From the Commissary General of Prisoners to George Barton, Esq. Office of Commissary General of Prisoners, Washington, March 6, 1815.

SIR,—Having been referred to you by Anthony St. John Baker, Esq. charge des affaires of his Britannick majesty in the United States, in relation to the steps necessary to be taken to carry into execution the restoration of the prisoners of war, American and British, held in the United States, Canada, Nova Scotia, and the West Indies, according to the understanding which has taken place between him and myself, of the nature of which you are apprised, I have the honour to inform you, that orders, some days ago, have been given for the immediate march of all the British prisoners captured on the land or the lakes, to the frontier of Canada, to be delivered at or near Odletown, and for the immediate embarkation, in commodious vessels, of all the maritime prisoners held at New York, Providence, Rhode Island, Salem, and at any port east of Salem, comprising all the prisoners indeed held at, or east of New York, for Halifax. These will be transported in the publick cartel ships Perseverance and Analostan, and an

additional private transport ordered to be taken up at Salem. All the prisoners held at New York or Providence, will be sent from Providence in the *Perseverance* or *Anaostan*, whichever is first ready, and those at Salem, or east of it, or at any intermediate port, will be sent in the other publick ship, and in the private ship from Salem. The British prisoners at Philadelphia have been ordered this day to be removed to New York, where they will be embarked in the frigate *John Adams*, armed en flute for Bermuda. Those which were held in the waters of the Chesapeake have been ordered to be delivered on board the British publick ships now in those waters, by an understanding had with the senior officer, captain Clavell, of the frigate *Orlando*, and it is presumed have been by this time received by him. All those in North or South Carolina, or Georgia, will be, as soon as practicable, embarked from Wilmington, Charleston, and Savannah, for Bermuda, in publick ships or private transports; as soon as the vessels are designated, which will be in a few days, you will be informed. Orders have been sent to the marshal of Orleans to collect and deliver, forthwith, all the British prisoners in that state, and the adjoining territories, to the British officer commanding in those waters, and it is presumed they will reach him time enough to dispose of them before your publick ships withdraw from that quarter. All these arrangements have been made, or are now in train, as I believe, according to the detail settled in different conversations between you and myself; if there is any thing in what I have stated different from your understanding of it, I shall be glad, as far as is in my power, to conform to it.

I have given particular orders that the British prisoners be not put in such numbers on board the vessels transporting them, as to crowd them improperly; and am willing, if you think proper, that this shall be regulated by a certain number of men per ton. I have directed that sound and wholesome provision, and plenty of water, be laid in for them, and served out on the passage in rations, as by the enclosed table: that a surgeon be allotted to each ship, provided with a proper quantity of medical and hospital stores, and I have directed the agents of this office, at the ports from which the prisoners are to be embarked, to make provision on board each ship for the accommoda-

tion of an agent, to be put on board by you, if you think proper to do so, to superintend the treatment and accommodation of the prisoners, and to inspect the quantity and quality of the provisions issued to them on the passage; and the masters of the respective ships will be instructed to respect such agents on your part in the performance of the duties assigned them.

In conformity with the request made in your letter of the 25th February, I have directed the marshal of North Carolina, and all the other marshals of the different states, having charge of British prisoners, to release all the British prisoners, officers in their districts, respectively, whether of publick or private service, who may not choose to wait the sailing of the cartels, and to permit them to leave the country at their option and expense.

I have ordered that all the British maritime prisoners be held and subsisted as heretofore at the several depots until they are regularly embarked; if it is your wish, however, that any portion of these other than those you have already designated for that purpose, should be discharged in the United States, it shall be done.

I have the honour to be, &c.

J. MASON.

TABLE OF PROVISIONS

To be allowed to Prisoners, whether American or British, on board of vessels transporting them.

Days.	Allowance for each Person.
Sunday,	1 lb. beef, 1 lb. bread, $\frac{1}{2}$ lb. potatoes.
Monday,	1 lb. beef, 1 lb. bread, $\frac{1}{2}$ lb. do.
Tuesday,	1 lb. pork, 1 lb. bread, $\frac{1}{2}$ pint peas.
Wednesday,	1 lb. beef, 1 lb. bread, $\frac{1}{2}$ lb. potatoes.
Thursday,	1 lb. beef, 1 lb. bread, 1 lb. do.
Friday,	1 lb. pork, 1 lb. bread, $\frac{1}{2}$ pint peas.
Saturday,	1 lb. beef, 1 lb. bread, $\frac{1}{2}$ lb. potatoes.
	One gill of vinegar per week.
	Three quarts of water per day.

RECAPITULATION.

Beef,	5 pounds per man per week.	
Pork,	2	do. do.
Bread,	7	do. do.
Potatoes,	2 ¹	do. do.
Peas,	1 pint per man,	do.
Vinegar,	1 gill	do. do.
Water,	21 quarts	do. do.

Office of Commissary General of Prisoners.

J. MASON.

From R. G. Beasley to the Commissary General of Prisoners. London, April 13, 1815.

SIR,—I had the honour to receive yesterday your letters of the 15th January, 6th, 6th, and 8th of March. I shall avail myself of the earliest occasion to notice their contents. In the mean time I have to inform you that I have communicated to the transport board the correspondence between yourself and Mr. Baker, on the subject of the restoration of prisoners, and have called on them to undertake the transportation to the United States of our prisoners in this country. Prior, however, to the receipt of your letter on this subject, I had engaged in this port nine ships for the conveyance of our prisoners, several of which have sailed for Plymouth to take them on board. I, in the first instance, endeavoured to engage vessels at Portsmouth and Plymouth, but the turn of affairs in France having induced this government to take up transports for the conveyance of troops, I could obtain none in these ports.

It is with extreme regret I have to state, that on the 6th instant the guard of the depot at Dartmoor, by order of the agent, fired on the American prisoners, killed 5, and wounded 34. I transmit herewith two reports of this unfortunate affair, one from the transport board, and one from the admiralty office, through the foreign office.

By the latter you will perceive that the prisoners are accused of having attempted to liberate themselves by force, and are stated to have been urged to this by the

impression they were under that their own government had neglected to provide means for their early conveyance home.

As the prisoners have been constantly informed of the exertions made by me for their release, and as on this occasion I had written twice to let them know the number of vessels taken up for their conveyance home, and the time they might be expected at Plymouth, it is difficult to believe, under such circumstances, that this is really the cause of this melancholy occurrence. I shall, therefore, inquire most minutely into all the circumstances attending it, and shall communicate the result to you, as also the names of those who have been killed and wounded.

I am, sir, your obedient servant,

R. G. BEASLEY.

The Hon. John Mason, &c.

From Alexander M'Leay to R. G. Beasley. Transport Office, April 10, 1815.

SIR,—I am directed by the commissioners for the transport service, &c. to acquaint you, that by a letter this day received from captain Shortland, the agent for prisoners of war at Dartmoor prison, it appears that on the 6th inst. the American prisoners confined at that depot made a breach in the prison wall, and attempted to liberate themselves by making a violent attack on the guard, and that it became indispensably necessary, in order to quell the revolt, for the guard to fire upon them, in consequence of which five of the prisoners were killed and thirty-two were wounded.

I am further directed to observe that it is much to be lamented, that the extreme impatience of these unfortunate men to be discharged, at a time that measures were in a train for their liberation, should have produced such melancholy consequences.

I am, sir, your most obedient humble servant,

ALEX. M'LEAY, Secretary.

R. G. Beasley, Esq.

From J. P. Morier to R. G. Beasley. Foreign Office, April 11, 1815.

SIR,—I lose no time in transmitting to you the copy of a letter which I have received from Mr. Croker, of the admiralty, giving a circumstantial account of the alarming riot which broke out, on the 6th inst. amongst the American prisoners of war, confined at Dartmoor, and of the measures which it became necessary to pursue for the purpose of restoring order; and I am directed by lord Castlereagh to request that you will take an early opportunity of forwarding this statement of the unfortunate event to your government.

I have the honour to be, sir, your most obedient humble servant,

J. P. MORIER.

R. G. Beasley, Esq.

From J. W. Croker to J. P. Morier. Admiralty Office, April 10, 1815.

SIR,—My lords commissioners of the admiralty think it right to acquaint lord Castlereagh, that on the evening 6th inst. a very alarming riot broke out among the American prisoners of war confined at Dartmoor. The rioters, it appears, endeavoured to overpower the guard, to force the prison, and had actually seized the arms of some of the soldiers and made a breach in the walls of the depot, when the guard found itself obliged to have recourse to their fire arms, and five of the rioters were killed, and thirty-four wounded; after which the tumult subsided, and the depot was placed in a state of tranquillity and security.

Admiral sir J. T. Duckworth, commander in chief at Plymouth, having received information of this unfortunate event, lost no time in directing rear admiral sir Josias Rowley, bart. and k. b. and captain Schornberg, the two senior officers at that port, to proceed to Dartmoor, and to inquire into the circumstances. Those officers accordingly repaired to the depot, where they found, on examination of the officers of the depot, and all the American prisoners who were called before them, that the circumstances of the riot were as before stated, but that no ex-

cuse could be assigned for the conduct of the prisoners, but their impatience to be released; and the Americans unanimously declared, that their complaint of delay was not against the British government, but against their own, which ought to have sent means for their early conveyance home; and in replies to distinct questions to that effect, they declared they had no ground of complaint whatsoever.

Their lordships think it right to add, that on the 15th of last month, they directed the transport board to take measures for carrying the article of the treaty for the release of American prisoners, into effect, and again on the 30th ultimo, I was directed to write to know what steps had been taken under these directions, and the transport board answered in their letter of the next day, that they had communicated with Mr. Beasley, the American agent, on the subject, who had acquainted them that he had already provided some transports, and was employed in procuring others, for the conveyance of the prisoners to America.

It will be for lord Castlereagh to judge whether it may not be proper to make a communication on this subject to the American government.

I am, &c.

J. W. CROKER.

J. P. Morier, Esq.

From R. G. Beasley to the Commissary General of Prisoners. London, 15th April, 1815.

SIR,—I enclose a copy of the report of the committee of our prisoners on the lamentable transaction of the 6th instant, which I communicated to you on the 13th, with a statement from the admiralty office on that subject.

I have transmitted a copy of the report of the committee to lord Castlereagh, as also three affidavits of prisoners, who were in the prison at the time, and have since arrived in town.

As soon as I can obtain a list of the names of the unfortunate sufferers it shall be transmitted to you.

I have the honour to be, &c.

R. G. BEASLEY.

The Hon. John Mason, &c.

From the Committee appointed to investigate the Circumstances attending the Massacre at Dartmoor.

WE, the undersigned, being each severally sworn on the Holy Evangelists of Almighty God, for the investigation of the circumstances attending the late massacre, and having heard the depositions of a great number of witnesses, from our own personal knowledge, and from the depositions given in as aforesaid,

REPORT AS FOLLOWS.

THAT on the 6th of April, about six o'clock in the evening, when the prisoners were all quiet in their respective yards, it being about the usual time for turning in for the night, and the greater part of the prisoners being then in the prisons, the alarm bell was rung. Many of the prisoners ran up to the market square, to learn the occasion of the alarm. There were then drawn up in the square several hundred soldiers, with captain Shortland (the agent) at their head; it was likewise observed at the same time, that additional numbers of soldiers were posting themselves round the walls of the prison yard. One of them observed to the prisoners, that they had better go into the prisons, for they would be charged upon directly. This, of course, occasioned considerable alarm among them; in this moment of uncertainty, they were running in different directions, inquiring of each other what was the cause of the alarm, some towards their respective prisons, and some towards the market square, when about one hundred were collected in the market square, captain Shortland ordered the soldiers to charge upon them, which orders the soldiers were reluctant in obeying, as the prisoners were using no violence; but on the orders being repeated, they made a charge, and the prisoners retreated out of the square into their respective prison yards, and shut the gates after them. Captain Shortland himself opened the gates, and ordered the soldiers himself to fire in among the prisoners, who were all retreating in different directions towards their respective prisons. It appears there was some hesitation in the minds of the officers, whether or not it was proper to fire upon the prisoners in that situation; on which

Shortland seized a musket out of the hands of a soldier, which he fired. Immediately after the firing became general, and many of the prisoners were either killed or wounded; the remainder were endeavouring to get into the prisons, when going towards the lower doors, the soldiers on the walls commenced firing on them from that quarter, which killed some and wounded others; after much difficulty, (all the doors being closed in the interim, but one in each prison,) the survivors succeeded in gaining the prisons. Immediately after which parties of soldiers came to the doors of No. 3 and 4 prisons, and fired several volleys into them, through the windows and doors, which killed one man in each prison, and wounded severely several others.

It likewise appears that the preceding butchery was followed up with a disposition of peculiar inveteracy and barbarity. One man, who had been severely wounded in No. 7 yard, and being unable to make his way to the prison, was come up with by the soldiers, whom he implored for mercy, but in vain—*five* of the hardened wretches immediately levelled their pieces at him, and shot him dead! The soldiers who were posted on the walls manifested equal cruelty, by keeping up a constant fire on every prisoner they could see in the yard, endeavouring to get into the prisons, when the numbers were very few, and when not the least shadow of resistance could be made or expected. Several of them had got into No. 6 prison cook house, which was pointed out by the soldiers on the walls to those who were marching in from the square; they immediately went up and fired into the same, which wounded several; one of the prisoners ran out, with the intention of gaining his prison, but was killed before he reached the door.

On an impartial consideration of all the circumstances of the case, we are induced to believe it was a premeditated scheme in the mind of captain Shortland, for reasons which we will now proceed to give. As an elucidation of its origin, we will recur back to an event which happened some days previous. Captain Shortland was, at the time, absent at Plymouth, but before going, he ordered the contractor, or his clerk, to serve out one pound of indifferent hard bread, instead of one pound and a half of soft bread, their usual allowance. This the prisoners refused to re-

ceive. They waited all day in expectation of their usual allowance being served out; but at sunset, finding this would not be the case, they burst open the lower gates, and went up to the store, demanding to have their bread. The officers of the garrison, on being alarmed, and informed of the reasons of this proceeding, observed that it was no more than right the prisoners should have their usual allowance, and strongly reprobated the conduct of captain Shortland in withholding it from them. They were accordingly served with their bread, and quietly returned to their prisons. This circumstance, with the censures that were thrown on his conduct, reached the ears of Shortland on his return home, and he must then have determined on the diabolical plan of seizing the first slight pretext to turn in the military to butcher the prisoners, for the gratification of his malice and revenge. It unfortunately happened that in the afternoon of the 6th of April some boys who were playing ball in No. 7 yard, knocked their ball over into the barrack yard, and on the sentry in that yard refusing to throw it back to them, they picked a hole through the wall to get in after it. This afforded Shortland his wished for pretext, and he took his measures accordingly. He had all the garrison drawn up in the military walk, additional numbers posted on the walls, and every thing ready prepared before the alarm bell was rung. This he naturally concluded would draw the attention of a great number of prisoners towards the gate to learn the cause of the alarm, while the turnkeys were despatched into the yards to lock all the doors but one of each prison, to prevent the prisoners, retreating out of the way before he had sufficiently wreaked his vengeance.

What adds peculiar weight to the belief of its being a premeditated massacre, are, firstly, The sanguinary disposition manifested on every occasion, by Shortland, he having prior to this time ordered the soldiers to fire into the prisons, through the windows, upon unarmed prisoners, asleep in their hammocks, on account of a light having been seen in the prisons, which barbarous act was repeated several nights successively; that murder was not committed was owing to an over-ruling Providence alone, for the balls were picked up in the prisons, where they passed through the hammocks of men then asleep in them:

He having ordered the soldiers to fire upon the prisoners in the yard of No. 7 prison, because they would not deliver up to him a man who had made his escape from the cachott, which order the commanding officer of the soldiers refused to obey : and generally he having seized on every slight pretext to injure the prisoners, by his stopping the marketing for ten days repeatedly, and once a third part of their provisions for the same length of time.

Secondly, He having been heard to say, when the boys had picked the hole in the wall, and some time before the alarm bell rung, and while all the prisoners were quiet in their respective yards as usual, " I'll fix the damned rascals directly."

Thirdly, His having all the soldiers on their posts, and the garrison fully prepared before the alarm bell was rung. It could not of course then be done to assemble the soldiers, but to alarm the prisoners and create confusion among them.

Fourthly, The soldiers on the wall, previous to the alarm bell being rung, informing the prisoners that they would be charged upon directly.

Fifthly, The turnkeys going into the yard and closing all the doors but one in each prison, whilst the attention of the prisoners was attracted by the alarm bell. This was done about fifteen minutes sooner than usual, and without informing the prisoners it was time to shut up. It was ever the invariable practice of the turnkeys, from which they never deviated before that night, when coming into the yards to shut up, to halloo to the prisoners so loud as to be heard all over the yards, " turn in, turn in," while on that night it was done so secretly, that not one man in a hundred knew they were shut, and in particular their shutting the door of No. 7, which the prisoners usually go in and out at, (and which was formerly always the last one closed,) and leaving one open in the other end of the prison, which was exposed to a cross fire from the soldiers on the walls, and which the prisoners had to pass in gaining the prison.

It appears to us that the foregoing reasons sufficiently warrant the conclusions we have drawn therefrom. We likewise believe, from the depositions of men who were eye witnesses of a part of Shortland's conduct on the evening of the 6th April, that he was intoxicated with liquor

at the time, from his brutality in beating a prisoner, who was then supporting another, severely wounded; from the blackguard and abusive language he made use of; and from his having frequently been seen in the same state: his being drunk was of course the means of inflaming his bitter enmity against the prisoners, and no doubt was the principal cause of the indiscriminate butchery, and of no quarter being shown.

We here solemnly aver, there was no preconcerted plan to attempt breaking out. There cannot be produced the least shadow of a reason or inducement for that intention, the prisoners daily expecting to be released, and to embark on board cartels for their own native country. And we solemnly assert, likewise, there was no intention of resisting, in any manner, the authority of the government of this depot.

(Signed by the Committee.)

N. B. 7 were killed,
30 dangerously wounded,
30 slightly wounded.

—
Total 67 killed and wounded.

Dartmoor Prison, April 7th, 1815.

We hereby certify this to be a true copy of the original report.

Committee.—William B. Bond, William Hobart, James Boggs, James Adams, Francis Joseph, John T. Trowbridge, John Rust, Henry Allen, Walter Colton, Thomas B. Mott.

From R. G. Beasley to the Commissary General of Prisoners. London, April 19, 1815.

SIR,—I had the honour to transmit, on the 13th and 15th instant, two reports on the unfortunate transaction of the 6th instant at Dartmoor Prison. The one by the British authorities, and the other by a committee of our prisoners. The latter I lost no time in laying before this government, and on the receipt of it, lord Castlereagh sought an interview with Mr. Clay and Mr. Gallatin, at which it was agreed that each party should appoint a commissioner to

investigate the circumstances. If it had suited the convenience of Mr. Clay or Mr. Gallatin to have undertaken it, one of the British commissioners who signed the treaty of Ghent would have been appointed to act with him, but as neither of these gentlemen could go, and as my presence here could not be dispensed with at present, they advised me to apply to Mr. Charles King, of New York, who has readily undertaken to act, although it interferes in some degree with his private affairs.

Mr. King left town last evening for Dartmoor, with a Mr. Larpent, who is to act with him.

The result of the investigation shall be transmitted to you as soon as received; in the mean time I am happy to have it in my power to state that every disposition has been manifested to do what is due to the occasion.

I transmit herewith a list of the unfortunate sufferers in this affair.

I also enclose a copy of a letter which I have just received from the Transport Board relative to the proposals, I made on the receipt of your letter of the 6th ultimo, for sending home our prisoners.

It is proper that I should here remark that at the interview which took place between lord Castlereagh, and Messrs. Gallatin and Clay, his lordship proposed this arrangement, and that these gentlemen advised me to agree to it.

I have the honour to be, sir, &c.

R. G. BEASLEY.

The Hon. John Mason, &c.

*List of Prisoners wounded on the Evening of the 6th April,
1815.*

THOMAS SMITH, amputated thigh.

Philip Ford, punctured wound of the back, and punctured wound of the belly.

John Gray, amputated arm.

Robert Willet Tawney, amputated thigh.

James Bell, bayonet wound of the thigh.

Thomas Truely, gun shot wound through the thigh and testicle. The ball entered the hip, and passed out at the fore part of the thigh and through the testicle.

William Leverage, lacerated hand and amputated thumb.

Joseph Bezeck, (alias Musick,) gun shot wound of the thigh, through which the ball passed.

John Willit, (black) fractured jar-lacerated hip, complicated with a shattered state of the upper jaw.

James Esdell, gun shot wound of the hip.

Henry Montcalm, gun shot wound of the left knee.

Frederick Howard, gun shot wound of the leg, through which the ball passed.

William Penn, (black) gun shot wound of the thigh.

Robert Fittez, gun shot wound of the penis.

Cornelius Garrison, gun shot wound of the thigh. The ball passed through the limb.

Edward Whittlebanks, bayonet wound of the back, producing paralysis of the sphenesters ani et urine, with paralysis of the lower extremities.

James Turnbull, amputated arm.

Stephen Phipps, bayonet wounds of the abdomen and thigh.

James Wells, gun shot fracture sacrum & crista ilie, and gun shot fracture of both bones of the left arm.

Caleb Coddington, gun shot wound of the leg.

Edward Gardner, gun shot fracture of the left arm.

Jacob Davis, gun shot wound of the thigh. The ball passed through the thigh.

John Hagabets, gun shot wound of the hip.

Peter Wilson, gun shot fracture of the hand. The ball passed through the palm of the hand.

John Perry, gun shot wound of the shoulder.

John Peach, gun shot wound of the thigh, the ball passed through the thigh.

John Roberts, (black) gun shot wound of the thigh.

John Gair, amputated thigh.

Ephraim Lincoln, gun shot wound of the knee. Discharged 23d April, 1815.

John Wilson, bayonet wound. Discharged cured 12th April, 1815.

William Blake, bayonet wound. Discharged cured 12th April, 1815.

* Thomas Jackson, (black) gun shot wound of the abdomen. He died early in the morning of the 7th.

* James Campbell, gun shot fracture, with depression of

* These names are included in the list of deaths.

the whole of the frontal bone, orbital ridge and nasal bones. He died on the morning of the 8th.

GEORGE MAGRATH.

*Description of Death Wounds inflicted on the Evening of
April 6, 1815.*

JOHN HAYWOOD (black.) The ball entered a little posterior to the acromion of the left shoulder, passing obliquely upwards, made its egress about the middle of the right side of the neck.

Thomas Jackson. The ball entered the left side of the belly, nearly in a line with the navel, and made its egress a little below the false ribs in the opposite side; a large portion of the intestinal canal protruded through the wound made by the ingress of the ball. He languished until 8 o'clock of the 7th, when he died.

John Washington. The ball entered at the squamous process of the left temporal bone, and passing through the head, made its exit a little below the cruceal ridge of the occipital bone.

James Mann. The ball entered at the inferior angle of the left scapula, and lodged under the integument of the right pectoral muscle. In its course, it passed through the inferior margin of the right and left lobes of the lungs.

Joseph Toker Johnson. The ball entered at the inferior angle of the left scapula, penetrated the heart, and passing through both lobes of the lungs, made its egress at the right axilla.

William Leverage. The ball entered about the middle of the left arm, through which it passed, and penetrating the corresponding side, betwixt the second and third ribs, passing through the left lobe of the lungs, the mediastinum, and over the right lobe, and lodged betwixt the 5th and 6th ribs.

James Campbell. The ball entered at the outer angle of the right eye, and in its course, it fractured and depressed the greater part of the frontal bone, fractured the nasal bones, and made its egress above the orbital ridge of the left eye. He languished until the morning of the 8th, when he died.

GEO. MAGRATH.

DARTMOOR PRISON.

A Return of American Prisoners of War who were killed and wounded in an Attempt to force the Military Guard on the Evening of the 6th April, 1815.

Current No.	No. on general entry book.	Names.	Quality.	Ship.	Whether man of war, merchant vessel, or privateer.	Remarks.
1	4,834	KILLED. William Leveridge,	Seaman,	Enterprise, prize to Saratoga.	Privateer.	
	970	James Mann,	do.	Siro.	Letter of marque.	
3	1,341	John Haywood,	do.	Gave himself up from H. M. ship Scipion.	Privateer.	
1	347	Joseph T. Johnson,	do.	Paul Jones.	Merchant vessel.	
5	3,936	John Washington,	do.	Rolla.		
1	6,520	WOUNDED. Thomas Jackson,	Boy,	Gave himself up from H. M. ship Prontes.	Merchant vessel.	Dang'rously. Died April 7, '15.
2	647	James Campbell,	Seaman,	Volontaire.	do.	do.
5	769	John Guier,	do.	Rambler.	Letter of marque.	
1	722	William Penn,	do.	Despatch, impressed at London.	Privateer.	
5	003	Cornelius Garrison,	do.	Invincible.	do.	
3	614	H. Montcalm,	do.	Hornby, prize to Governor Tompkins.		
1	965	Robert Willet,	do.	H. M. ship Andromache.		
5	326	John Peach,	do.	Enterprise.		
2	148	Edward Whittlebank,	do.	H. M. ship Royal William.		

Return of Prisoners of War, killed, wounded, &c.---Concluded.

-10	1,881	James Thornbull,	Boy,	Elbridge Gerry.	Privateer.
	3,652	James Wells,	Seaman,	Thorn.	do.
	1,236	Philip Ford,	do.	H. M. ship Sultan.	Merchant vessel.
	635	James Bell,	do.	Joel Barlow.	do.
15	94	John Grey,	do.	St. Martin's Planter.	do.
	436	William Leverage,	do.	Magdelane.	do.
	1,024	Edward Gardner,	do.	Joseph.	Letter of marque.
	1,546	Stephen Phipps,	do.	Zebra.	do.
	486	John Roberts,	do.	Two Brothers, impressed at Cork.	Privateer.
	1,640	Thomas Smith,	do.	Paul Jones.	do.
20	1,819	Caleb Coddington,	do.	H. M. ship Swiftsure.	do.
	5,015	Jacob Davis,	do.	Charlotte, prize to Mammoth.	do.
	2,013	James Esdaile,	do.	Governor Tompkins.	Merchant vessel.
	330	Peter Wilson,	do.	Virginia Planter.	Merchant vessel.
25	2,884	William Blake,	do.	H. M. ship Repulse.	do.
	338	John Hagabets,	Second mate,	Good Friends.	do.
	4,153	Ephraim Lincoln,	Seaman,	Argus.	Privateer.
	4,493	Thomas Findlay,	do.	Enterprise.	do.
	4,109	John Howard,	do.	Flash.	do.
30	1,228	Joseph Masick,	do.	H. M. ship Furieux.	do.
	6,123	Robert Fiteez,	do.	Grand Turk.	do.
	1,812	John Willet,	do.	H. M. ship Rosario.	do.
	3,030	John Perry,	do.	H. M. ship Tiger.	do.
33	2,662	John Wilson,	do.	H. M. ship Fortune.	do.
					do.
					Disch'd. Cured April 12, '15.

TH. GEO. SHORTLAND, Agent.
GEO. MAGRATH, Surgeon.

From Alexander M'Leay to R. G. Beasley. Transport Office, April 19, 1815.

SIR,—I am directed by the commissioners for the transport service, &c. to acquaint you, that the lords commissioners of the admiralty have, by their order of yesterday date, been pleased to signify the consent of his majesty's government, that the expense of conveying the American prisoners of war, from this country to America, should be shared by the two governments, leaving the interpretation of the article in the late treaty of peace upon this subject, for future explanation, and that the board are accordingly about to take measures for providing vessels for the conveyance of the remainder of the prisoners, understanding that the vessels already engaged by you, are calculated to convey about 3,000 men.

I am, sir, &c. ALEXANDER M'LEAY.
R. G. Beasley, Esq.

From R. G. Beasley to the Commissary General of Prisoners. London, April 30, 1815.

SIR,—In my letter of the 19th instant, I informed you of the measures which had been adopted here in consequence of the late unfortunate event at Dartmoor prison.

I have now the honour to transmit the copy of a letter addressed to me by Mr. Clay and Mr. Gallatin, relative to that occurrence; and to the transportation of the American prisoners in this country to the United States.

In the absence of Mr. Adams, it becomes my duty to communicate for the information of our government, the result of the investigation at Dartmoor. *I enclose a copy of the joint report of the commissioners appointed for that purpose; also of a letter from Mr. King to Mr. Adams, and of a list of the killed and wounded on that melancholy occasion.†

I shall leave to Mr. Adams any further steps which he may deem it proper to take in this business. I cannot, however, forbear to notice here the erroneous impression of the prisoners, that their detention so long has been owing to me. You are aware, sir, of my constant exertions during the war to effect their liberation. Immediate-

* See papers marked A.

† See letter of the 19th April.

ly on the signing of the treaty of peace at Ghent, I received my instructions on that subject; proposing, as a condition, that all the prisoners who might be delivered over to me by the British government should be considered as prisoners of war, and not at liberty to serve until regularly exchanged, in the event of the treaty not being ratified by the President. This proposition was declined, and in a peremptory manner. On the receipt of the intelligence of the ratification from America, I lost not a moment in requesting the release of the prisoners according to the terms of the treaty: and the number of vessels which I had hired, as mentioned in my letter of the 13th instant, and which are now on their voyage to the United States, will show that the necessary steps were taken to provide for their immediate transportation to their country. The prisoners, also, were informed of these measures, and of the exertions which had been made from the commencement, to return them to their homes with the least possible delay. Therefore, whatever may have been their uneasiness under confinement, and whatever hostile feelings they may have had towards me, as noticed in the report, and in Mr. King's letter; I may say with confidence, that I could not prevent the one, nor have I deserved the other.

I have the honour to be, &c. R. G. BEASLEY.
The Hon. John Mason, &c.

Extracts of a Letter from R. G. Beasley, Esq. Agent for American Prisoners of War in England, to the Commissary General of Prisoners, dated Oct. 10, 1815.

“IN compliance with the request contained in that of the 5th August, (the commissary general's letter,) I transmit herewith copies of my correspondence with the transport board on the subject of the general release of American prisoners in this country on the conclusion of the treaty at Ghent, and on the receipt of the President's ratification; also copies and extracts of letters informing the prisoners of the measures taken for their release, preceding the occurrence at Dartmoor of the 6th April.

“It was always my practice before requesting, by written communication, the release of prisoners, to urge the measure in person; and this repeatedly, until either it was granted, or there appeared not any hope of success; and then my letter followed, for the purpose of reducing

the negotiation to a more official form. This practice I pursued upon the conclusion of the treaty at Ghent, when my request was refused, and again on the receipt of the ratification of the President when the release was agreed upon. Upon these occasions I of course availed myself of every circumstance which I conceived calculated to accomplish the object I had in view: and I frequently found the board concurring with me upon points which, when submitted to the admiralty, were rejected.”—“One of my letters informing the prisoners of the measures taken for their release was addressed to those on parole at Ashburton, which is about sixteen miles distant from Dartmoor, and with whom the prisoners at this latter place were in constant correspondence; I have to observe further that when inquiry as to the probable time of release, was made at my office by friends of prisoners, which at that time was very frequently the case, they were always requested, when writing to them to desire the information to be made as publick in the prison as possible.”

*From R. G. Beasley to Alexander M'Leay. Harley Street,
January 18, 1815.*

SIR,—A treaty of peace having been concluded at Ghent between Great Britain and the United States, I am induced by a desire to shorten the sufferings of the American prisoners in this country, to address the board relative to them. I do this with the more confidence of its being favourably received, as I am persuaded that this wish is equally entertained by the British government.

I have therefore to request, that a certain number of prisoners may be released, as soon as I may be able to procure proper conveyances for them to the United States; under the condition that they shall be subject to exchange should the treaty not be ratified by the President of the United States. I am, &c.

R. G. BEASLEY.

Alexander M'Leay, Esq.
Transport Office.

*From Alexander M'Leay to R. G. Beasley. Transport
Office, Jan. 21, 1815.*

SIR,—Having received, and laid before the commissioners for the transport service, &c. your letter of the

18th instant, proposing, under the circumstances therein stated, that a certain number of American prisoners of war may be permitted to return to the United States, I have it in command to acquaint you, that the same has been referred to the consideration of the lords commissioners of the admiralty, and that their lordships have in reply been pleased to signify, that they do not think proper to accede to your proposition. I am, &c.

ALEXANDER M'LEAY, Sec.

R. G. Beasley, Esq.

From R. G. Beasley to Alexander M'Leay. Harley Street, March 15, 1815.

SIR,—The treaty of Ghent having been ratified by the governments of the United States and this country, and peace being thus happily restored between the two nations, I beg to inquire whether there is any objection to delivering over to me the prisoners detained in this country, as soon as I can provide for their conveyance.

I am, &c.

R. G. BEASLEY.

Alexander M'Leay, Esq.

Transport Office.

From Alexander M'Leay to R. G. Beasley. Transport Office, March 16, 1815.

SIR,—I have received and laid before the commissioners of the transport service, &c. your letter of the 15th instant, requesting to be informed, under the circumstances therein stated, whether there be any objection to delivering over to you the Americans now detained as prisoners of war in this country, upon your providing vessels for their conveyance to the United States.

In reply, I am directed to acquaint you, that the board are ready to embark all the prisoners in question, upon your providing vessels at Plymouth for their conveyance, it being understood, that all the debts contracted by them in this country must previously be paid. I am, &c.

R. G. Beasley, Esq.

ALEX. M'LEAY, Sec.

Extract of a Letter from R. G. Beasley, addressed to the Committee of American Prisoners of War at Dartmoor. London, March 22, 1815.

“THREE cartels are now preparing here, with all ex-

pedition, for the conveyance of the prisoners to the United States."

Agency for American Prisoners of War. London, March 23, 1815.

GENTLEMEN,—I have to inform you that the treaty of peace having been ratified by the President, the release of the prisoners of war will commence without delay.

Although I have not as yet received any instructions from our government, I have engaged, and am fitting out four vessels for their conveyance to proceed to Plymouth to receive them, and shall use every despatch in sending them to the United States. I am, &c.

R. G. BEASLEY.

To the American Prisoners of
War on Parole at Ashburton.

Extract of a Letter from R. G. Beasley, to Captain T. G. Shortland, Agent for Prisoners of War at Dartmoor. London, March 25, 1815.

"I HAVE engaged four vessels for cartels, which are fitting out with all despatch. They will sail, I hope, in five or six days for Plymouth, to receive prisoners. Their tonnage together is about 1600 tons."

London, March 31, 1815.

SIR,—I have received your letter of the 29th instant, acquainting me with your opinion of the complaints of Mr. Proctor and Mr. Robinson, now in Dartmoor hospital. In return, I beg to inform you, that these two prisoners shall be sent home in the first cartel; which will, I expect, sail from this place to-morrow for Plymouth. I am, &c.

R. G. BEASLEY.

George Magrath, Esq. Surgeon
Dartmoor Prison Hospital, Devon.

From R. G. Beasley to the Committee of American Prisoners of War. Agency for American Prisoners of War. London, March 31, 1815.

GENTLEMEN,—It appearing by several letters which I have received from Dartmoor that the prisoners have ta-

ken up an idea, that any, who may have the means of proceeding to the United States would, on application, receive a free discharge; I request that you will make it known throughout the prison, that such is not the fact.

There must be other and better reasons to induce me to consent to their release in this manner, at this time. The situation of Europe under the prospect of another war, multiplies the risk of impressment. I have taken measures to have them all released and sent home by cartels with as little delay as possible; where they are much wanted, and where wages are very high. I am, &c.

R. G. BEASLEY.

To the Committee of American
Prisoners of War, Dartmoor.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS. DEC. 3, 1816.

Fellow Citizens of the Senate,
and of the House of Representatives,

IN reviewing the present state of our country, our attention cannot be withheld from the effect produced by peculiar seasons, which have very generally impaired the annual gifts of the earth, and threatened scarcity in particular districts. Such, however, is the variety of soils, of climates, and of products, within our extensive limits, that the aggregate resources for subsistence are more than sufficient for the aggregate wants. And as far as an economy of consumption, more than usual, may be necessary, our thankfulness is due to Providence, for what is far more than a compensation, in the remarkable health which has distinguished the present year.

Amidst the advantages which have succeeded the peace of Europe, and that of the United States with Great Britain, in a general invigoration of industry among us, and in the extension of our commerce, the value of which is more and more disclosing itself to commercial nations, it is to be regretted that a depression is experienced by particular branches of our manufactures, and by a portion of our

navigation. As the first proceeds, in an essential degree, from an excess of imported merchandise, which carries a check in its own tendency, the cause, in its present extent, cannot be of very long duration. The evil will not, however, be viewed by Congress, without a recollection, that manufacturing establishments, if suffered to sink too low, or languish too long, may not revive, after the causes shall have ceased; and that, in the vicissitudes of human affairs, situations may recur, in which a dependence on foreign sources, for indispensable supplies, may be among the most serious embarrassments.

The depressed state of our navigation, is to be ascribed, in a material degree, to its exclusion from the colonial ports of the nation most extensively connected with us in commerce, and from the indirect operation of that exclusion.

Previous to the late convention at London, between the United States and Great Britain, the relative state of the navigation laws of the two countries, growing out of the treaty of 1794, had given to the British navigation a material advantage over the American, in the intercourse between the American ports and British ports in Europe. The convention of London equalized the laws of the two countries, relating to those ports; leaving the intercourse between our ports and the ports of the British colonies, subject, as before, to the respective regulations of the parties. The British government enforcing new regulations, which prohibit a trade between its colonies and the United States, in American vessels, whilst they permit a trade in British vessels, the American navigation loses accordingly; and the loss is augmented by the advantage which is given to the British competition over the American, in the navigation between our ports and British ports in Europe, by the circuitous voyages, enjoyed by the one, and not enjoyed by the other.

The reasonableness of the rule of reciprocity, applied to one branch of the commercial intercourse, has been pressed on our part, as equally applicable to both branches: but it is ascertained, that the British cabinet declines all negotiation on the subject; with a disavowal, however, of any disposition to view, in an unfriendly light, whatever countervailing regulations the United States may oppose to the regulations of which they complain. The

wisdom of the legislature will decide on the course, which, under these circumstances, is prescribed by a joint regard to the amicable relations between the two nations and to the just interests of the United States.

I have the satisfaction to state, generally, that we remain in amity with foreign powers.

An occurrence has, indeed, taken place in the gulf of Mexico, which, if sanctioned by the Spanish government, may make an exception as to that power. According to the report of our naval commander on that station, one of our publick armed vessels was attacked by an overpowering force under a Spanish commander, and the American flag, with the officers and crew, insulted, in a manner calling for prompt reparation. This has been demanded. In the mean time, a frigate and a smaller vessel of war have been ordered into that gulf, for the protection of our commerce. It would be improper to omit, that the representative of his catholick majesty, in the United States, lost no time in giving the strongest assurances, that no hostile order could have emanated from his government, and that it will be as ready to do, as to expect, whatever the nature of the case and the friendly relations of the two countries shall be found to require.

The posture of our affairs with Algiers, at the present moment, is not known. The dey, drawing pretexts from circumstances, for which the United States were not answerable, addressed a letter to this government, declaring the treaty last concluded with him, to have been annulled by our violation of it; and presenting, as the alternative, war, or a renewal of the former treaty, which stipulated, among other things, an annual tribute. The answer, with an explicit declaration that the United States preferred war to tribute, required his recognition and observance of the treaty last made, which abolishes tribute, and the slavery of our captured citizens. The result of the answer has not been received. Should he renew his warfare on our commerce, we rely on the protection it will find in our naval force actually in the Mediterranean.

With the other Barbary states our affairs have undergone no change.

The Indian tribes within our limits appear also disposed to remain at peace. From several of them purchases of lands have been made, particularly favourable to the

wishes and security of our frontier settlements, as well as to the general interests of the nation. In some instances, the titles, though not supported by due proof, and clashing those of one tribe with the claims of another, have been extinguished by double purchases; the benevolent policy of the United States preferring the augmented expense, to the hazard of doing injustice, or to the enforcement of justice against a feeble and untutored people, by means involving or threatening an effusion of blood. I am happy to add, that the tranquillity which has been restored among the tribes themselves, as well as between them and our own population, will favour the resumption of the work of civilization, which had made an encouraging progress among some tribes; and that the facility is increasing, for extending that divided and individual ownership, which exist now in moveable property only, to the soil itself; and of thus establishing, in the culture and improvement of it, the true foundation for a transit from the habits of the savage, to the arts and comforts of social life.

As a subject of the highest importance to the national welfare, I must, again, earnestly recommend to the consideration of Congress, a re-organization of the Militia, on a plan which will form it into classes, according to the periods of life more and less adapted to military services. An efficient militia is authorized and contemplated by the constitution, and required by the spirit and safety of free government. The present organization of our militia is universally regarded as less efficient than it ought to be made; and no organization can be better calculated to give to it its due force, than a classification which will assign the foremost place in the defence of the country, to that portion of its citizens, whose activity and animation best enable them to rally to its standard. Besides, the consideration that a time of peace is the time when the change can be made with most convenience and equity, it will now be aided by the experience of a recent war, in which the militia bore so interesting a part.

Congress will call to mind, that no adequate provision has yet been made, for the uniformity of weights and measures, also contemplated by the constitution. The great utility of a standard, fixed in its nature, and founded on the easy rule of decimal proportions, is sufficiently obvious.

It led the government, at an early stage, to preparatory steps for introducing it; and a completion of the work will be a just title to the publick gratitude.

The importance which I have attached to the establishment of a University within this district, on a scale, and for objects worthy the American nation, induces me to renew my recommendation of it to the favourable consideration of Congress: And I particularly invite, again, their attention to the expediency of exercising their existing powers, and, where necessary, of resorting to the prescribed mode of enlarging them, in order to effectuate a comprehensive system of roads and canals, such as will have the effect of drawing more closely together every part of our country, by promoting intercourse and improvements, and by increasing the share of every part in the common stock of national prosperity.

Occurrences having taken place which show that the statutory provisions for the dispensation of criminal justice, are deficient in relation both to places and to persons, under the exclusive cognizance of the national authority, an amendment of the law, embracing such cases, will merit the earliest attention of the legislature. It will be a seasonable occasion, also, for inquiring how far legislative interposition may be further requisite in providing penalties for the offences designated in the constitution or in the statutes, and to which either no penalties are annexed, or none with sufficient certainty. And I submit to the wisdom of Congress, whether a more enlarged revisal of the criminal code be not expedient, for the purpose of mitigating, in certain cases, penalties which were adopted into it, antecedent to experiment and examples which justify and recommend a more lenient policy.

The United States having been the first to abolish, within the extent of their authority, the transportation of the natives of Africa into slavery, by prohibiting the introduction of slaves, and by punishing their citizens participating in the traffick, cannot but be gratified at the progress, made by concurrent efforts of other nations, towards a general suppression of so great an evil. They must feel, at the same time, the greater solicitude to give the fullest efficacy to their own regulations. With that view, the interposition of Congress appears to be required by the violations and evasions which, it is suggested, are charge-

able on unworthy citizens, who mingle in the slave trade under foreign flags, and with foreign ports; and by collusive importations of slaves into the United States, through adjoining ports and territories. I present the subject to Congress, with a full assurance of their disposition to apply all the remedy which can be afforded by an amendment of the law. The regulations which were intended to guard against abuses of a kindred character, in the trade between the several states, ought also to be rendered more effectual for their humane object.

To these recommendations I add, for the consideration of Congress, the expediency of a re-modification of the judiciary establishment, and of an additional department in the executive branch of government.

The first is called for by the accruing business which necessarily swells the duties of the federal courts; and by the great and widening space, within which justice is to be dispensed by them. The time seems to have arrived which claims for members of the supreme court a relief from itinerary fatigues, incompatible as well with the age which a portion of them will always have attained, as with the researches and preparations which are due to their stations, and to the juridical reputation of their country. And considerations equally cogent require a more convenient organization of the subordinate tribunals, which may be accomplished without an objectionable increase of the number or expense of the judges.

The extent and variety of executive business, also accumulating with the progress of our country and its growing population, call for an additional department, to be charged with duties now overburdening other departments, and with such as have not been annexed to any department.

The course of experience recommends, as another improvement in the executive establishment, that the provision for the station of Attorney General, whose residence at the seat of government, official connexions with it, and management of the publick business before the judiciary, preclude an extensive participation in professional emoluments, be made more adequate to his services and his relinquishments; and that, with a view to his reasonable accommodation, and to a proper depository of his official opinions and proceedings, there be included in the provision, the usual appurtenances to a publick office.

In directing the legislative attention to the state of the finances, it is a subject of great gratification to find, that, even within the short period which has elapsed since the return of peace, the revenue has far exceeded all the current demands upon the treasury, and that, under any probable diminution of its future annual product, which the vicissitudes of commerce may occasion, it will afford an ample fund for the effectual and early extinguishment of the publick debt. It has been estimated, that during the year 1816, the actual receipts of revenue at the treasury, including the balance at the commencement of the year, and excluding the proceeds of loans and treasury notes, will amount to about the sum of forty-seven millions of dollars; that during the same year, the actual payments at the treasury, including the payment of the arrearages of the war department, as well as the payment of a considerable excess, beyond the annual appropriations, will amount to about the sum of thirty-eight millions of dollars; and that, consequently, at the close of the year, there will be a surplus in the treasury of about the sum of nine millions of dollars.

The operations of the treasury continue to be obstructed by difficulties, arising from the condition of the national currency; but they have, nevertheless, been effectual, to a beneficial extent, in the reduction of the publick debt, and the establishment of the publick credit. The floating debt of treasury notes and temporary loans, will soon be entirely discharged. The aggregate of the funded debt, composed of debts incurred during the wars of 1776 and of 1812, has been estimated, with reference to the first of January next, at a sum not exceeding one hundred and ten millions of dollars. The ordinary annual expenses of the government, for the maintenance of all its institutions, civil, military, and naval, have been estimated at a sum less than twenty millions of dollars. And the permanent revenue, to be derived from all the existing sources, has been estimated at a sum of about twenty-five millions of dollars.

Upon this general view of the subject, it is obvious, that there is only wanting, to the fiscal prosperity of the government, the restoration of a uniform medium of exchange. The resources and the faith of the nation, displayed in the system which Congress has established, ensure respect and confidence both at home and abroad.

The local accumulations of the revenue have already enabled the treasury to meet the publick engagements in the local currency of most of the states: and it is expected that the same cause will produce the same effect throughout the Union. But, for the interests of the community at large, as well as for the purposes of the treasury, it is essential that the nation should possess a currency of equal value, credit, and use, wherever it may circulate. The constitution has intrusted Congress, exclusively, with the power of creating and regulating a currency of that description; and the measures which were taken during the last session, in execution of the power, give every promise of success. The bank of the United States has been organized under auspices the most favourable, and cannot fail to be an important auxiliary to those measures.

For a more enlarged view of the publick finances, with a view of the measures pursued by the treasury department, previous to the resignation of the late Secretary, I transmit an extract from the last report of that officer. Congress will perceive in it ample proofs of the solid foundation on which the financial prosperity of the nation rests; and will do justice to the distinguished ability and successful exertions with which the duties of the department were executed, during a period remarkable for its difficulties and its peculiar perplexities.

The period of my retiring from the publick service being at little distance, I shall find no occasion more proper than the present for expressing to my fellow citizens my deep sense of the continued confidence and kind support which I have received from them. My grateful recollection of these distinguished marks of their favourable regard can never cease; and, with the consciousness, that if I have not served my country with greater ability, I have served it with a sincere devotion, will accompany me as a source of unfailing gratification.

Happily, I shall carry with me from the publick theatre, other sources, which those who love their country most, will best appreciate. I shall behold it blessed with tranquillity and prosperity at home, and with peace and respect abroad. I can indulge the proud reflection, that the American people have reached, in safety and success, their fortieth year as an independent nation; that, for nearly an entire generation, they have had experience of their present constitution, the offspring of their undisturbed delibe-

rations and of their free choice ; that they have found it to bear the trials of adverse as well as prosperous circumstances ; to contain, in its combination of the federate and elective principles, a reconcilment of publick strength with individual liberty, of national power for the defence of national rights, with a security against wars of injustice, of ambition, or vain glory, in the fundamental provision which subjects all questions of war to the will of the nation itself, which is to pay its costs and feel its calamities. Nor is it less a peculiar felicity of this constitution, so dear to us all, that it is found to be capable, without losing its vital energies, of expanding itself over a spacious territory, with the increase and expansion of the community for whose benefit it was established.

And may I not be allowed to add to this gratifying spectacle, that I shall read in the character of the American people, in their devotion to true liberty, and to the constitution which is its palladium, sure presages, that the destined career of my country will exhibit a government pursuing the publick good as its sole object, and regulating its means by the great principles consecrated in its charter, and by those moral principles to which they are so well allied ? A government which watches over the purity of elections, the freedom of speech and of the press, the trial by jury, and the equal interdict against encroachments and compacts between religion and the state ; which maintains inviolably the maxims of publick faith, the security of persons and property, and encourages, in every authorized mode, that general diffusion of knowledge ; which guarantees to publick liberty its permanency, and to those who possess the blessing, the true enjoyment of it ? A government which avoids intrusions on the internal repose of other nations, and repels them from its own ; which does justice to all nations with a readiness equal to the firmness with which it requires justice from them ; and which, whilst it refines its domestick code from every ingredient not congenial with the precepts of an enlightened age, and the sentiments of a virtuous people, seeks, by appeals to reason, and by its liberal examples, to infuse, into the law which governs the civilized world, a spirit which may diminish the frequency, or circumscribe the calamities of war, and meliorate the social and beneficent relations of peace ? A government, in a word, whose conduct, within and without, may bespeak the most noble

of all ambitions—that of promoting peace on earth, and good will to man?

These contemplations, sweetening the remnant of my days, will animate my prayers for the happiness of my beloved country, and a perpetuity of the institutions under which it is enjoyed. JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS,
RELATIVE TO OBLIGATIONS TO BELLIGERENT POWERS.
DEC. 26, 1816.

IT is found that the existing laws have not the efficacy necessary to prevent violations of the obligations of the United States as a nation at peace towards belligerent parties, and other unlawful acts on the high seas, by armed vessels equipped within the waters of the United States.

With a view to maintain, more effectually, the respect due to the laws, to the character, and to the neutral and pacifick relations of the United States, I recommend to the consideration of Congress the expediency of such further legislative provisions as may be requisite for detaining vessels actually equipped, or in a course of equipment with a warlike force, within the jurisdiction of the United States; or, as the case may be, for obtaining from the owners or commanders of such vessels adequate securities against the abuse of their armaments, with the exceptions in such provisions, proper for the cases of merchant vessels furnished with the defensive armaments usual on distant and dangerous expeditions, and of a private commerce in military stores permitted by our laws, and which the law of nations does not require the United States to prohibit. JAMES MADISON.

DOCUMENTS

ACCOMPANYING A BILL TO PREVENT CITIZENS OF THE UNITED STATES FROM SELLING VESSELS OF WAR TO THE CITIZENS OR SUBJECTS OF ANY FOREIGN POWER, &c.

Mr. Forsyth, Chairman of the Committee of Foreign Relations, to the Secretary of State. Jan. 1, 1817.

SIR,—I am instructed by the committee of foreign re-

lations, to inquire what information has been given to the department of state of violations or intended violations of the neutral obligations of the United States to foreign powers, by the arming and equipment of vessels of war in our ports; what prosecutions have been commenced under the existing laws to prevent the commission of such offences; what persons prosecuted have been discharged in consequence of the defects of the laws now in force, and the particular provisions that have been found insufficient, or for the want of which, persons deserving punishment have escaped.

I have the honour to be, &c. JOHN FORSYTH.

Secretary of State, to Mr. Forsyth. Jan. 6, 1817.

SIR,—Having communicated to you verbally the information asked for by your letter of the 1st inst. except so far as relates to the last inquiry it contains, I have now the honour to state, that the provisions necessary to make the laws effectual against fitting out armed vessels in our ports, for the purpose of hostile cruising, seem to be,

1st. That they should be laid under bond, not to violate the treaties of the United States, or the obligations of the United States under the law of nations, in all cases where there is reason to suspect such a purpose on foot; including the cases of vessels taking on board arms and munitions of war, applicable to the equipment and armament of such vessels, subsequent to their departure.

2d. To invest the collectors, or other revenue officers where there are no collectors, with power to seize and detain vessels under circumstances indicating strong presumption of an intended breach of the law: the detention to take place until the order of the Executive, on a full representation of the facts had thereupon, can be obtained. The statute book contains analogous powers to this above suggested. See particularly the 11th section of the act of Congress of April 25, 1808.

The existing laws do not go to this extent. They do not authorize the demand of security in any shape, or any interposition on the part of the magistracy as a preventive, where there is reason to suspect an intention to commit the offence. They rest upon the general footing of punishing the offence merely where, if there be full evi-

dence of the actual perpetration of the crime, the party is handed over, after trial, to the penalty denounced.

I have the honour to be, &c. JAMES MONROE.

From the Same to the Same. Jan. 10, 1817.

SIR,—In addition to the letter which I wrote to you on the 6th, in reply to the one which you wrote to me on the 1st instant, I have the honour to state, that information has been received at this department, from various sources, that vessels have been armed and equipped in our ports, for the purpose of cruising against the commerce of nations in amity with the United States, and no doubt is entertained that this information was in some instances correct. The owners of these vessels have, however, generally taken care so to conceal these armaments and equipments, and the object of them, as to render it extremely difficult, under existing circumstances, to prevent or punish this infraction of the law. It has been represented,

1st. That vessels belonging to citizens of the United States, or foreigners, have been armed and equipped in our ports, and have cleared out from our custom-houses, as merchant vessels; and, after touching at other ports, have hoisted the flag of some of the belligerents, and cruised under it against the commerce of nations in amity with the United States.

2ndly. That in other instances other vessels, armed and equipped in our ports, have hoisted such flags after clearing out and getting to sea, and have, in like manner, cruised against the commerce of nations in amity with the United States, extending their depredations, in a few cases, to the property of citizens of the United States.

3dly. That in other instances, foreign vessels have entered the ports of the United States, and, availing themselves of the privileges allowed by our laws, have, in various modes, augmented their armaments, with pretended commercial views—have taken on board citizens of the United States, as passengers, who, on their arrival at neutral ports, have assumed the character of officers and soldiers in the service of some of the parties in the contest now prevailing in our southern hemisphere.

Information, founded upon these representations, has, from time to time, been given to the attorneys and collectors of the respective districts in which the armaments are stated to have been made; but from the difficulty of

obtaining the necessary evidence to establish facts on which the law would operate, few prosecutions have been instituted.

In reply to your second inquiry, I beg leave to refer to the communication from the Secretary of the Treasury to the committee of ways and means, during the last session of Congress, in the case of the "American Eagle," and to the papers enclosed herewith.

I have the honour to be, &c. JAMES MONROE.

Extract of a Letter from John Dick, Esq. Attorney of the United States for the District of Louisiana, to the Secretary of State, dated March 1, 1816.

"ATTEMPTS to violate the laws, by fitting out and arming, and by augmenting the force of vessels have, no doubt, been frequent; but certainly in no instance successful, except where conducted under circumstances of concealment that eluded discovery, and almost suspicion; or where carried on at some remote part of the coast, beyond the reach of detection or discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled under the act of the 5th of June, 1794; and when captures have been made by vessels thus fitted out and armed, or in which their force was augmented, or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe our neutrality, in aid of the governments of New Spain, and in which vessels have been seized and libelled, under the act of the 5th June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than any thing else can, how totally without foundation are the complaints, and how misplaced are the assertions of the minister of Spain on this head.

The names of individuals prosecuted in the district court of the United States, for the Louisiana district, during the year 1815, for violating, or attempting to violate, the neutrality of the United States, in aid of the governments of the United Provinces of New Grenada, and of the United Provinces of Mexico.

Jose Alvarry Toledo,	Romain Very,
Julius Cæsar Amigone,	Peirre Lameson,
Vincent Gambie,	Bernard Bourden.
John Robinson,	

List of vessels libelled for illegal outfits of the same governments, during the same period.

Brig Flora Americana,	restored.
Schooner Presidente,	condemned.
Schooner Petit Melan,	condemned.
Schooner General Bolivar,	discontinued.
Schooner Eugenien, alias Indiana,	condemned.
Schooner Two Brothers,	restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags, and by authority of the governments of New Grenada, and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground that the capturing vessels had been fitted out and armed, or had their force augmented within the waters of the United States.

1. Schooner Cometa, restored April, 1815.
2. Schooner Dorada, proceeds restored 16th May, 1815, 3,050 dollars.
3. Schooner Amiable Maria, 3,850 dollars.
4. Schooner Experemente, restored 3d August.
5. The Poleacre brig de Regla and cargo, proceeds restored 18th December, 1815, 19,209 dollars and 50 cents.
6. Schooner Alerta and cargo, being the proceeds of the capture of about 18 small vessels, restored 18th December, 1815, 62,150 dollars and 5 cents.

Damages awarded to the original owners against the captors in the two foregoing cases, 55,272 dollars and 99 cents.

7. Cargo of the schooner Petit Melan, restored 1st February, 1816, 2,444 dollars and 31 cents.

8. Cargo of the schooner Presidente, 1st February, 1816, 10,931 dollars and 15 cents.

9. Schooner Sante Ritor and cargo, restored 1st February, 1816, 37,962 dollars and 94 cents.

The preceding account of Spanish property restored to the original proprietors, after being in the possession of the enemies of Spain, is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined. The very hasty manner, in which I have made this communication, did not admit of a more accurate statement. The principal cases, however, are included in it.

In several other cases, where the property was claimed for the original Spanish owners, the claims were dismissed, because it did not appear that any violation of our neutrality had taken place. The capturing vessels were not armed, nor was their force augmented within our jurisdiction. Nor had the captures been made within a marine league of our shore. The principles that guided the decisions of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference where that was not the case, manifest, I think, a disposition to, and an exercise of, the most rigid neutrality between the parties.

If the whole of this letter is not an act of supererogation, to dwell longer upon those parts of the correspondence of the chevalier de Onis, which relates to Louisiana, would at least be so considered."

Mr. Elias Glenn to the Secretary of State. Baltimore, Sept. 7, 1816.

SIR,—Immediately upon the receipt of your letters of the 16th of August, I obtained from the collector of this port an affidavit, stating, that Thomas Taylor had, in April, last, sworn that he was a citizen of the United States, and as such, had cleared out the schooner *Romp*, which vessel, the collector also declared, on oath, he believed to have cruised against the vessels of the king of Spain since that time. Upon which affidavit, an intelligent justice of the peace of this city, well disposed, upon the score of political feeling, to do as much as justice required toward the punishment of Taylor for his conduct, issued a warrant, by virtue of which Taylor was arrested. Upon its return, I appeared before the justice, (whose name is John Dougherty,) and presented all the documents which were sent to me in company with your letter, which were read and received as evidence by him. I also caused a sailor, who had served on board the *Romp*, and who was at that

time in hospital at this place, to be summoned, as also the editor of the "American," newspaper, in which Taylor's letter had appeared, bearing date at "Baltimore, the 10th of July, 1816," all of whom were examined, on oath, before the justice. The sailor was cautioned not to criminate himself, upon which he refused to answer any question. Mr. Murphy, one of the editors of the American, declared, on oath, that he had no authority whatever from Taylor to publish the letter which bore his signature, but that he had taken the same, of his own accord, as an article of intelligence, from a newspaper printed in Charleston. I was not, you will perceive, in the slightest degree assisted in my case by the examination of these witnesses. I however urged, before the justice, that the depositions laid a sufficient ground of probable cause of suspicion against Taylor, when connected with the affidavit of the collector. I also produced some authority to show that Taylor ought to be committed. Whereupon, the justice desired until yesterday morning to consider upon the case, and requested that the marshal might be present at the time of his decision, which accordingly took place. The justice has, notwithstanding all these circumstances, actually discharged Taylor, upon the ground, as he states, that he could not find there was any probable cause to believe he was concerned with, or advised Squire Fisk, to commit the acts of piracy which were committed by him on his late cruise, and as Taylor never was on board the *Romp*, from the time she left Baltimore. Thus ended this case, as far as I have gone.

Judge Houston will be here in one or two days to hold a district court. Upon his arrival, I shall lay all the proofs before him, and claim from him a warrant, which I presume he will grant without hesitation, the issue of which shall be communicated to you without delay.

As the editors of the American and Patriot tell me, they copied the letter, written by Taylor, bearing date the 10th July, 1816, from the Savannah Republican or the Charleston Patriot. Unless I can procure the testimony of one of these editors to prove that Taylor actually gave them that letter for publication, I do not see how he is to be implicated criminally with Fisk. If judge Houston should take cognizance of the case, I will, at all events, be glad to have the witnesses, who were examined in Virginia, here on the 7th of November, next, to give evidence be-

fore the grand jury, which will be summoned to attend the circuit court.

In this case there are a variety of circumstances tending to show Taylor's co-operation with, and assistance to Fisk, but none, I fear, sufficiently conclusive to convict him, unless we can prove the authenticity of his letter of instructions, which can only be done by procuring his orders to publish his last letter, which admits the authenticity of the first.

I enclose to you four letters which have been lately received by me from the Spanish consul here; as also my answer to them. I shall be happy to hear that I have, in all these affairs, acted in such a manner as to meet your approbation. I have the honour, &c. ELIAS GLENN.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS, RELATIVE TO DISCONTINUANCE OF BRITISH DISCRIMINATING DUTIES. FEB. 3, 1817.

THE government of Great Britain induced by the posture of the relations with the United States, which succeeded the conclusion of the recent commercial convention, issued an order on the 17th day of August, 1815, discontinuing the discriminating duties payable in British ports on American vessels and their cargoes. It was not until the 22d of December following, that a corresponding discontinuance of discriminating duties on British vessels, and their cargoes, in American ports, took effect, under the authority vested in the Executive, by the act of March, 1816. During the period between those two dates there was, consequently, a failure of reciprocity or equality in the existing regulations of the two countries. I recommend to the consideration of Congress, the expediency of paying to the British government the amount of the duties remitted, during the period in question, to the citizens of the United States, subject to a deduction of the amount of whatever discriminating duties may have commenced in British ports after the signature of that convention, and been collected, previous to the 17th of August, 1815.

JAMES MADISON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE, RELATIVE TO EXECUTION OF BRITISH TREATY.
FEB. 7, 1817.

I TRANSMIT to the Senate a report of the Secretary of
State, complying with their resolution of the 28th of last
month.

JAMES MADISON.

REPORT.

THE Secretary of State, to whom has been referred the
resolution of the Senate of the 28th of last month, request-
ing the President to cause to be laid before the Senate
such information as he may possess, touching the execu-
tion of so much of the first article of the late treaty of
peace and amity between his Britannick majesty and the
United States of America, as relates to the restitution of
slaves, has the honour to submit to the President the ac-
companying papers, marked A, B, C, D, and E, as con-
taining all the information in this Department supposed
to be called for by the said resolution.

All which is respectfully submitted.

JAMES MONROE.

Department of State, February 5th, 1817.

(A.)

*Extract of a Letter from the Secretary of State to Mr.
Adams, dated May 11, 1815.*

“ I AM sorry to have to state that the British naval
commanders have construed the stipulation in the treaty
not to carry off with their forces the slaves whom they had
taken from our citizens, differently from this government.
My correspondence with Mr. Baker, of which a copy is en-
closed, will show the ground of this difference, which ap-
pears to be so decidedly in favour of the United States,
that it has excited surprise that it should have existed,
and still greater that the British officers should have acted
on their construction, by removing the slaves in question.
Mr. Baker makes a distinction between the slaves who
were in British ships of war in our waters, and those who
were in the posts held by their forces at the time of the
exchange of the ratifications of the treaty, but I think
without reason. It seems to have been the intention of

the parties, and to be the clear import of the article, that they should carry off no slaves that were then within our limits. They were as much in the possession and under the authority of the British commanders, in the forts or other places held by their troops on the land as in their vessels. It was as much a carrying away in the one instance as in the other; and the injury to the proprietors of the slaves was the same. In short, I see no ground for such a distinction. The United States have a right either to the restitution of all these slaves, or to compensation for their loss. I shall forward to you, without delay, a list of those, thus removed, with an estimate of their value, the payment of which, if the slaves themselves are not restored, you will claim of the British government."

The Secretary of State to Mr. Baker, Charge d'Affaires of his Britannick Majesty. April 1, 1815.

SIR,—I regret to have to state, that the commanders of his Britannick majesty's naval forces in the Chesapeake and on Cumberland Island, and other islands off the southern coast, have construed the stipulation in the first article of the treaty of peace, lately concluded between the United States and Great Britain, very differently from what is thought to be a just construction of it by this government. They comprise slaves, and other private property, under the same regulation with artillery, and other publick property, and contend that none ought to be restored, except such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken.

By the first article of the treaty it is stipulated, "that all territory, places, and possessions whatsoever, taken from either party by the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands herein after mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery or other publick property originally captured in the said forts or places, and which shall remain therein, upon the exchange of the ratifications of this treaty, or any slaves or other private property."

A very obvious distinction exists between private and publick property, and there may be a strong and obvious

motive for destroying the one, when there can be none for destroying the other. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and munitions of war in them, but, it is believed, that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between publick and private property in a guarded manner. All territory, places, and possessions, with a particular exception, shall be restored without destroying or carrying away any of the artillery or other publick property, originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far the stipulation acts upon proper subjects and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other publick property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence, after "slaves and other private property." In that case, both interests, the publick and the private, would have been subject to the same restraint. But by separating them from each other, and putting the restrictive words immediately after "artillery and other publick property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

Other consequences, equally inconsistent with the spirit and equity of the article, would follow, from the construction given of it by the British naval commanders. If the slaves, and other private property, are placed on the same footing with artillery, and other publick property, the consequence must be that all will be carried away. It is believed that none of the slaves were taken in forts, or other places, where the British troops happened to be at the exchange of the ratifications of the treaty. By far the greater number, if not the whole, were taken from proprietors inhabiting the country bordering on the bays and

rivers which empty into the Atlantick. As this fact was well known to the commissioners of both nations, it furnishes a conclusive argument against the construction contended for by the British naval commanders. It cannot be believed that the commissioners would have agreed to a stipulation which they respectively knew would produce no effect.

In supposing that all the slaves would be carried away under the construction given to this article by the British naval commanders, I have considered the term "place" in a qualified sense, synonymous with fort, as a military station taken by the British forces and held by them at the peace. But if it is construed in a more enlarged sense, such as the country from which the slaves were taken, none could be carried away, even under that construction. That it must be construed in this enlarged sense, if applicable to slaves and other private property, is obvious, from the consideration that the act of taking them removed them from the places where they were taken.

The stipulation in this article, in relation to the point in question, by a fair and just construction, appears to me to amount to this, that each party shall restore, without delay, all the territory, places, and possessions, which had been taken by it, with the exception of certain islands: that neither shall destroy or carry away artillery or publick property, provided they be, at the time of the exchange of ratifications, in the forts or places in which they were originally captured: that neither shall carry away slaves or other private property. The restraint provided against the carrying away of the latter, is evidently connected with the great object of the article, the restoration of territory, places and possessions, and not with forts and places, in the qualified sense suggested; in which sense it applies to artillery and other publick property only, the ordinary and proper appurtenances of forts and other military posts.

From every view which I have been able to take of this subject, I am of opinion that the United States are entitled to all the slaves and other private property, which were in the possession of the British forces, within the limits of the United States, on the exchange of the ratifications of the treaty, whether they were in forts or British ships of war.

Presuming that your government has instructed you upon this subject, and that it concurs in this construction of the article, I flatter myself that you will give directions to the British naval commanders not to carry away any of the slaves and other private property, which may thus be fairly claimed by the United States.

I have the honour to be, &c. JAMES MONROE.

Washington, April 3, 1815.

SIR,—I have had the honour to receive your letter of the 1st instant, stating that the commanders of his majesty's naval forces have given a different construction to that part of the first article of the treaty of peace lately concluded between the two countries, which relates to the restoration of slaves and private property, from what is thought by the American government to be its just construction, by making the restriction annexed to the restoration of artillery and publick property likewise apply to slaves and private property; at the same time expressing your opinion that the United States are entitled to all the slaves and other private property in possession of the British forces, within the limits of the United States on the exchange of the ratifications, whether they were in forts or British ships of war, and requesting, under the supposition that his majesty's government concurred in this construction of the article, and had furnished me with instructions accordingly, that I would give directions to the naval commanders not to carry away any of the slaves so claimed by the United States.

As I have not received any communication on the subject from the commander in chief on the American station, by whose orders the several naval commanders have, no doubt, been guided, I am unacquainted with the grounds on which he rests his interpretation of the words of the first article of the treaty. It is, however, not improbable that he may have imagined that it could not have been intended by the plenipotentiaries of the two countries that there should be a general prohibition against carrying away from the places restored all private property of every description, and to whomsoever belonging, found therein on the exchange of the ratifications, and that, therefore, as some limitation must have been contemplated in the case of private as well as publick property, the restriction attached, by the words immediately pre-

ceding, to the latter, was likewise applicable to the former.

I regret to find that by the view taken of this part of the first article, the government of the United States claim the negroes, originally American, on board of the British ships of war which happened to be within the limits of the United States at the time of the exchange of the ratifications, as I do not conceive that it can be satisfactorily shown that this construction is sanctioned by the words of the article ; and I have no hesitation in stating my belief, founded on the best means of information, that at the time the article was framed, it was meant that the prohibition against carrying away slaves and private property should be taken in connexion with the restoration of territory, places, and possessions ; and that if it had been supposed by his majesty's plenipotentiaries, at Ghent, that the words were susceptible of the construction now given to them, and that a claim would be founded upon them for the delivering up of persons who had sought refuge during the war on board of British ships, their insertion would have been decidedly objected to, and others proposed.

Not being, however, in possession of any instructions from my government upon this subject, the only steps which it is in my power to take in relation to it, is to transmit to England, and to the naval commander in chief on this station, copies of your letter, and I have no doubt that the reasoning contained in it will, in the most perfect spirit of amity, be duly and considerately examined, with the sincere desire to give that interpretation to the article in question which may be most consonant to justice and to its true and fair meaning.

I have the honour to be, &c.

ANTHONY ST. JOHN BAKER.

To the Hon. James Monroe, &c.

(B.)

City of Washington, February 23, 1815.

SIR,—I now enclose a copy of the correspondence between the commissioners appointed on the part of the United States to receive and make the necessary arrangements respecting the publick and private property in possession of the British forces within the Chesapeake Bay, to be given up under the first article of the treaty of peace

between the United States and Great Britain, and captain John Clavelle, commanding the British forces in the Chesapeake Bay.

In pursuance of the arrangements therein made, colonel Bayly has remained to take an inventory of the property and slaves, and to endeavour to ascertain, as far as practicable, to whom they belong. I have the honour to be, &c.

GEORGE GRAHAM.

The Hon. James Monroe.

Schooner Adeline, Chesapeake Bay, Feb. 23, 1815.

SIR,—The undersigned, commissioners appointed on the part of the United States to receive, and make all necessary arrangements concerning the property which may be in the possession of the forces of his Britannick majesty in the Chesapeake, or on the shores or islands thereof, and which is to be delivered up and restored, agreeably to the first article of the treaty of peace and amity between the United States and his Britannick majesty, concluded and signed at Ghent, on the 24th day of December, 1814, have the honour to inform you that, having exhibited to you their powers, they are now ready to proceed to execute the trust reposed in them; and they take this occasion to observe, that under the stipulations of the first article of the said treaty, all slaves, and other private property, which may now be in possession of the forces of his Britannick majesty within the Chesapeake are claimed, to be delivered up forthwith, and that all such as may have been removed since the 17th instant, the day on which the exchange of the ratifications of the treaty took place, are claimed, to be restored with all convenient despatch. We have the honour to be, &c.

THO. M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Capt. John Clavelle, Commander of his
Britannick Majesty's Forces in the Chesapeake.

His Majesty's Ship Orlando, in the Patuxent, Feb. 23, 1815.

GENTLEMEN,—I have just had the honour of receiving your communication of this day's date, stating that you are appointed, on the part of the United States, to receive and make all necessary arrangements concerning the property which may be in possession of the forces of his Bri-

tannick majesty in the Chesapeake, or on the shores or islands thereof, agreeable to the first article of the treaty of peace between his Britannick majesty and the United States; and in reply I beg to state, that I understand the first article of the treaty, relative to private and publick property, thus, viz. all territory, places, and possessions whatsoever, taken from either party by the other during the war, or which may have been taken after the signing this treaty, excepting only the islands hereafter mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery, or other publick stores—or any *slaves*, or other private property *originally* captured in the said forts or places, and which shall remain *therein* upon the exchange of the ratification of this treaty.

As none of the slaves now in Tangier were captured there, I cannot feel myself at liberty to deliver them up—far less can I give up those now serving on board his Britannick majesty's ships, as by entering into the service they made themselves free men. I shall, however, give directions that the whole of those on board the different ships of every description, shall be discharged into this ship until I receive instructions from rear admiral Cockburn, to whom I shall immediately despatch a vessel.

I have the honour to be, &c. JOHN CLAVELLE.
To Messrs. Bayly, Graham, and Skinner.

Schooner Adeline, in the Chesapeake Bay, Feb. 23, 1815.

SIR,—We have the honour to acknowledge the receipt of your reply to our communication of this date, and regret to find that you do not feel yourself at liberty to deliver up all slaves and other private property of the citizens of the United States, which came under your control previously or subsequently to the date of the exchange of the ratifications of the treaty concluded by the commissioners on the part of the United States and Great Britain, and still remaining within the Chesapeake, or on the shores or islands thereof.

As, however, you have put a construction upon the first article of the treaty, which, in our estimation, the terms of it do not warrant, and difficulties have arisen in the execution of our trust which were not anticipated, it becomes our duty to ask your co-operation in taking, for the mutual satisfaction of our respective governments, an inven-

tory of all slaves and other private property within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of his Britannick majesty's forces; that the difference of construction, placed upon the first article of said treaty may be satisfactorily adjusted, and its stipulations executed in good faith. We are further satisfied you will perceive the propriety of furnishing us, for the information of the proper authorities, as far as the means in your power may render it practicable, with an account of all slaves and other private property of citizens of the United States, which may have been removed from the Chesapeake, or any of the shores or islands thereof, since the date of the ratification of the treaty; and in like manner with an account of all artillery or other publick property, if any, which was, on the date of the ratification of the said treaty, or which may still remain within the forts, or places where the same was originally captured. We have the honour to be, &c.

THOMAS M. BAYLY,
GEORGE GRAHAM,
JOHN S. SKINNER.

Captain John Clavelle, Commander of his
Britannick Majesty's Forces, &c.

*His Britannick Majesty's Ship Orlando, in the Patuxent,
February 24, 1815.*

GENTLEMEN,—In reply to your communication of yesterday's date, which I had the honour of receiving last evening, I beg to state that I *do* conceive the terms of the first article of the treaty of peace between his Britannick majesty and the United States *does* admit of the construction I put on it yesterday in my note to you, and not at all applicable to the slaves now on Tangier-Island, or those on board his Britannick majesty's ships under my command, now in the Chesapeake—they not having been captured "there." But in order that every thing may be perfectly understood, and properly arranged hereafter, I shall be most happy to meet your wishes for the mutual satisfaction of our respective governments, by ascertaining and taking an inventory of all slaves, and other private property of the citizens of the United States, within the waters of the Chesapeake, or on the shores or islands thereof, and now in the possession of his Britannick majesty's forces.

I further state, for your information, that no slaves, or other private property, has been removed from the Chesapeake or any of the shores or islands thereof, since the exchange of the ratification of the treaty; or has any artillery or other publick property.

As soon as the weather is fine I shall proceed to Tangier for the purpose of assisting you in taking an inventory of the slaves, which I certainly cannot think of giving up, until I receive instructions on that head, *conceiving they do not come within the limits of the first article of the treaty.* I have the honour to be, &c.

JOHN CLAVELLE.

To the American Commissioners, &c.

Accomack, April 18, 1815.

SIR,—Yesterday captain Clavelle, with the Orlando and Madagascar frigates, and schooner Bream, sailed from near Tangier harbour for Bermuda. I enclose to you copies of my last letter to him and his reply, upon the subject of the slaves and other property, publick and private, which ought not not have been carried away.

I have the honour to be, &c. THOMAS M. BAYLY.
The Hon. James Monroe, Secretary of State.

Accomack, April 13, 1815.

SIR,—I am informed that you intend to-morrow to leave the Chesapeake bay, with the ships under your command, and I wish to know your determination respecting the restoration of the slaves and other property, publick and private, which was captured from the United States and citizens thereof, during the late war, and which were in the waters of the Chesapeake, and islands thereof, on the day the ratification of the treaty of peace and amity between the United States and Great Britain was exchanged.

You have informed me of your visit to Mr. Baker, charge d'affaires of his Britannick majesty at Washington, and that you have received from rear admiral Cockburn his instructions; I may, therefore, expect your final determination, and I hope that your construction upon the first article of this treaty of amity is such that the slaves and other property contemplated by it will not be carried away.

I have the honour to be, &c. THOMAS M. BAYLY.
John Clavelle, Esquire, commanding
his Britannick Majesty's Ships, &c.

*His Britannick Majesty's Ship Orlando, in the Chesapeake.
April 15, 1815.*

SIR,—In reply to your communication of the 13th instant, I beg to state that my determination is not to restore any slaves, private or publick property, captured before the exchange of the ratification of the treaty of peace between his Britannick majesty and the United States, agreeable to my instructions from rear admiral Cockburn on that head. I have the honour to be, &c.

JOHN CLAVELLE.

To T. M. Bayly, Esq. &c.

(C.)

Copy of a Letter from Thomas M. Newell, Captain of Sea-Fencibles, and Thomas Spalding, to Brigadier General Floyd, dated at Sapelo Island, March 16, 1815.

SIR,—We left Darien on Sunday the 5th instant, and arrived at Dungeness at 4 o'clock on Monday. As we observed British troops embarking, and as we believed, many slaves and much private property would be sent off with them, we determined to call upon admiral Cockburn immediately, and to present the letters from general Pinkney and yourself, with our letter of authority. On reading general Pinkney's letter, and discovering that instead of a copy of the treaty of peace from the Secretary of State's office, the National Intelligencer was enclosed, admiral Cockburn expressed much surprise, and it appeared from his manner that his temper was not a little ruffled by the incident. He totally denied the authority of a treaty so communicated to him. After reminding him that the Intelligencer was the state paper of the *United States* for such purposes; that in England the publication of a treaty in the gazette would be a proper promulgation of it; and the impossibility that there would be of furnishing to every detached squadron that floated upon the sea, any more authentick copy of a treaty of peace, than the publick papers afforded.—These were the ideas brought forward, and this the language, with the exception of its being abridged. Admiral Cockburn still denied our positions, but then proposed to us, that we should make a transcript of the treaty; that we should certify it to be a true copy, and should present it to him as such on the part of general Pinkney and yourself: as forms were no object, we assented to this at once—the difficulty having been gotten

over, we thought it proper to enter immediately on the subject matter of our mission ; and requested to know of admiral Cockburn what publick property taken at Point Petre or at St. Mary's remained upon Cumberland Island, in the ships near Dungeness, or in the ships then lying in the Sound, of which there were many ; some of these ships taken at St. Mary's and there loaded with property taken at the same place.

As we had no instructions as to the extent of the restitution we should demand, and were left to our own judgment on the occasion, we determined to adopt the same rule in regard to private property and to slaves, that we had adopted in regard to publick property. We, therefore, demanded all the slaves and private property, of every description, taken or received at Cumberland Island, at St. Mary's, or St. Simon's, and which was then on Cumberland Island, or lying in the waters contiguous to the same, on board his ships, or which had been there at the ratification of the treaty of peace by the President of the United States ; and in making this demand we were happy to find that a very great portion of the publick and private property, and almost all the slaves taken or received since the British forces had been operating in Georgia, came within the limits we had prescribed to our demand. To our inquiry as to publick property, and our demand as to private, admiral Cockburn at once replied, " he had no publick property—that the guns he had removed—the munitions of war he had destroyed ;" but if they were there, not having been taken at Cumberland Island, which place alone remained in his possession at the ratification of the treaty, they did not come within the operation of the first article of it. That with regard to slaves, and other property, he meant to adopt the same rule : That " the property and slaves taken at Cumberland, and remaining there at the ratification, would be restored ; but what were taken or received from other places, although on Cumberland, or in the ships in the river or sound, would not."

It will be understood that we do not here repeat the words, but the substance, of what admiral Cockburn said, who appeared during the whole of this conversation a little warm. Having discovered the construction which admiral Cockburn was pleased to put upon the treaty, and his manner forbidding a hope of a change of opinion, Mr. Spalding thought it proper to draw his at-

tention to the ships, then lying within a hundred yards of the wharf of Dungeness, on board of which it was known some slaves were, by observing to him, that the river was taken possession of at the same time that Cumberland was occupied by the British forces; that it was equally in his possession with the soil adjacent on the ratification of the treaty, and would only be restored to the United States the moment he withdrew his forces from Dungeness; that consequently, under his own rule, the property and slaves on board those ships, originally taken at Cumberland, it was expected would partake of the quality of the property and slaves originally found on Cumberland and remaining there. To this, admiral Cockburn replied, that wherever the British flag was, there was British territory. And by way of elucidating his position, demanded of Mr. Spalding, whether if he, admiral Cockburn, committed a murder on board of those ships in time of peace, he believed him amenable to the laws of the United States? No, sir, said he, I am amenable to my own government, and to my own sovereign. To this it was replied, he was amenable to his own government and to his own sovereign as an officer, but he was amenable to the laws of the United States as a man. And it was in turn asked, whether he believed, if a murder was committed on board an American ship in the river Thames, the laws of England would not operate upon the murder? No, sir. I too, sir, have studied the laws of England in my youth, and I think they would. Then, sir, we are at issue, and it is unnecessary to say more. If we are at issue, admiral Cockburn, upon an abstract principle, it is of little importance. Will you please to turn over to the first article of the treaty, and we will see if we can agree upon a practical result? This conversation is reported in its very words, that you may be possessed of the admiral's manner of reasoning and mode of thinking at our arrival: and it was closed by observing, that we should address a note to him, which we hoped he would answer as soon as possible; then took our leave. The next day, the 7th instant, we called upon him, and presented a transcript of the treaty, certified by us to be a true copy, which he accepted. We then handed him the following note, (No. 1.) which, after having read, he promised to answer the morning following. And here it is proper to observe, that at the meeting, and at the many that followed it, admiral Cockburn was calm, and his man-

ner courteous in a high degree. During the evening of this day, we understood that admiral sir Alexander Cochrane had arrived, and consequently, we should not receive any answer to our note until there had been a conference between admiral Cockburn and himself. At this delay we felt no regret, as we hoped from him, from many causes not necessary to state, a more liberal construction of the treaty. The weather was so bad, that it was the tenth, before this communication took place, immediately after which, admiral Cockburn transmitted to us the following note, in answer to the one we had addressed him. (No. 2.)

Finding this note was approved of in the margin by sir Alexander Cochrane, and understanding—and even knowing from our own sight that he had taken his departure from the coast by the time we had received this note, all attempts at demonstrating the incorrectness of the conclusion drawn by admiral Cockburn from the first article of the treaty, seemed useless: for admiral Cockburn no longer had the power (if he had the inclination,) to correct his first opinion; and we presently understood that even the small return of slaves and property embraced by his construction of the treaty, was yielded with some reluctance by sir Alexander Cochrane. We, therefore, the same evening, addressed to admiral Cockburn, the note that follows. (No. 3.)

And in the conversation, which took place after the delivery of this note, it was agreed that orders would be given to restore to the owners, any slaves that were received in the British camp or ships, after the ratification of the treaty; and in consequence of this understanding, orders were given to restore some slaves so situated, by admiral Cockburn—but every means were used by the inferior officers to prevent the due execution of these orders, particularly on board the *Regulus*, captain Robert Ramsay, as we were informed, and as captain Newell himself was witness to. It was at the same time indicated to us, the course which would be pursued with the slaves that had repaired to the British camp, or British ships, from Florida, namely: that they should be sent to Bermuda, and there confined in a ship until the decision of the British administration was taken on their case. We have deemed it proper to communicate this, as not unimportant to our own government, and our own citizens.

On the morning of the 11th an answer to our note was received, covering a list of seventy-seven negroes, a few

bales of cotton, and a few horses and cattle, which were to be restored as having been originally taken at Cumberland Island, and having remained there to the ratification of the treaty. (No. 4.)

In order to place the matter in a proper light, we the same day transmitted the following answer, which closed our joint correspondence with the admiral. (No. 5.)

And here it is necessary, for understanding the last clause of our letter, to state what led to it. Mr. Spalding had suggested to admiral Cockburn, after every other means had failed, his giving permission to claimants to go on board his ships in the offing, to obtain the voluntary return of their slaves; this he assented to with great willingness. He sent an officer with them, and, in the presence of ourselves, gave the most positive instructions to the officer to have every facility afforded them. This produced a return of thirteen slaves; six of captain Wyllly's—five of Mr. Couper's—one of major Butler's—and one of major Johnston's; and would have produced the return of hundreds, if it had not been for the means employed by the inferior officers to prevent their return. On the morning of the 13th instant, the British flag was struck at Dungeness, and having consulted with the many respectable gentlemen with us, as to the necessity of the occasion, we called upon captain Messias for an officer and twenty-five men to be sent to Dungeness to prevent, as far as possible, fugitive slaves still joining the British ships that were yet in the offing, and were to remain so for two or three days.

Mr. Spalding then addressed the following letter to admiral Cockburn, and followed captain Newell who had already taken his departure. (No. 6.)

Having thus, sir, closed the mission with which we were charged by general Pinkney and yourself, it is important in our opinion, that we should observe to you, that on our arrival at Dungeness on the 6th instant, the United States' barge, taken at St. Marys, was at the wharf, but was removed that evening, and we also understood that most of the cannon taken at Point Petre, were removed subsequent to the ratification of the treaty, from Cumberland. Five or six hundred negroes, brought from St. Simons as late as the 15th February, were at Cumberland long after the ratification, and many of them sent off in the night of the day after our arrival.

In conversation with Mr. Spalding, it was admitted by

admiral Cockburn, that major Kinsman of the marines, had continued to enter fugitive slaves into the colonial and West India regiments, after notice of the ratification of the treaty, and until he, admiral Cockburn, had given written orders to the contrary.

Accompanying this letter, you will receive a list of such slaves as their masters have returned to us. From Mr. Hamilton, who lost two hundred and twenty-odd, and from major Butler* who lost one hundred and thirty, and from many others whom the terror of the times had driven away, we have no returns. Nor is it to be wondered at, that a thin population fled before a war, which has been conducted in the spirit which this has been, since January last, for it carried insurrection as its means, and like the awful visitations of Providence, ruin has marked its course. But we state, sir, with pleasure, that the unhappy sufferers look with manly firmness to their own government for a reparation of their injuries, and to that government, we beg leave to consign them, with a firm persuasion, that they will not be disappointed in their expectations. And we remain, sir, &c.

THOMAS M. NEWELL,

Captain of Sea Fencibles.

THOMAS SPALDING.

No. 1.

Cumberland Island, 6th March.

SIR,—We are instructed by general Floyd to call upon you, and are by him authorized to receive from you, any publick or private property, or any slaves, that are or were in your possession at the time of the ratification of the treaty of peace by the President of the United States. The construction put upon this article by us is, that all private property, and all slaves in your possession, whether on land or water, at the ratification of the treaty of peace, are to be restored. We place this construction upon the first article of the treaty, because it appears to have originated in the most amicable dispositions of both the American and British commissioners—amicable on the part of the American commissioners, in only demanding what might be restored without inconvenience—amicable on the part of the British commissioners, in promising to restore all that could be restored without great inconvenience—for we cannot persuade ourselves that the

* This list has since been received.

restoration of private property or slaves, is to be limited to the slaves or property taken in the forts or places you occupied; for it must be obvious to you, sir, and it must be obvious to all, that there are no slaves, and that there is but little private property, ever taken in forts. The limitations that appears to exist in the first part of the first article of the treaty, as to such property as may remain in the forts and places in your possession, is obviously confined to artillery and other publick property taken in such forts or places, and which, if once removed, would have required much trouble and much expense to restore; and this conclusion is the more obvious, from noticing that in the following part of the same article, archives, records, deeds, and papers which are objects of easy transport are promised to be restored, into whosoever hands they may have fallen, or wheresoever they may have been transferred.

Begging that we may have an answer upon this subject, so deeply interesting to the inhabitants of Georgia, as soon as possible. We remain, sir, &c. T. NEWELL,
T. SPALDING.

Admiral Cockburn.

No. 2.

Head Quarters, Cumberland Island, March 7, 1815.

GENTLEMEN,—I have had the honour to receive the document which you state yourselves authorized to assure me is a true copy of the treaty of peace that has been concluded between our respective governments, and which you have been instructed to lay before me by generals Pinkney and Floyd.

Accompanying this document I am likewise honoured with your note of this day, informing me of your being authorized to receive from me any publick or private property, or slaves to be restored by me under the 1st article of the aforesaid treaty, and explaining to me the construction you are pleased to put upon that article—But, I only find in the certified copy you have laid before me, that “all territory, places, or possessions taken during the war, or after the signing of the treaty, (excepting only as therein excepted) shall be restored without delay and without causing any destruction, or carrying away of the artillery or other publick property, *originally captured in the*

said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty; or any slaves or other private property." It becomes therefore, alone necessary for me to state to you, that Cumberland Island being the only place or possession taken from America in this neighbourhood which was retained by me at the date of the ratification alluded to, I shall as quickly as possible evacuate it without causing any destruction, and I shall leave on it, or deliver to you, whatever publick or private property or slaves (originally captured here) remained upon the island at the date of the ratification.

I have not the slightest reason nor inclination to doubt the amicable disposition you state to have actuated the British and American commissioners in forming this treaty. It appears however clear to me by the expressions they have thought proper to adopt in it, that I am only required or authorized to make the restitution I have above stated, and I must beg to decline venturing an opinion as to whether the treaty is properly worded according to the intentions of the commissioners, but I apprehend, had they wished to imply (as you conceive) "that all private property and slaves in my possession, *whether on land or water* were to be restored," it might have been so specified without difficulty; and although you observe there are no slaves, and but little private property ever taken in "forts," yet the continuation of the words "*or places*," may perhaps do away the difficulty which presented itself to you on that point. Therefore, gentlemen, in giving up *this place* in conformity with the treaty you have done me the honour to lay before me, I must beg to be excused from entering into discussion relative to captures made *elsewhere on land or water*, and which have been removed from the places where captured prior to the exchange of the ratifications of the treaty. I have the honour to be, &c.

G. COCKBURN, Rear Admiral.

Approved, A. COCHRANE.

To Capt. Newell, of the U. S. Sea Fencibles,
and Thomas Spalding, Esq.

Agents on the part of the United States, for receiving
property to be restored according to treaty, &c.

No. 3.

Cumberland Island, March 10, 1815.

SIR,—Your letter of the 7th is before us—and after the desire you have been pleased to express of declining all

discussion of your construction of the first article of the treaty of peace between the United States and Great Britain, it only remains for us to call upon you for a list of the property, publick or private, and the slaves "originally captured on Cumberland Island," which you have declared your readiness to deliver. It is our duty to add this further and final remark—that this list will, we presume, include all slaves originally captured on the island of Cumberland, whether such slaves may have been usually resident on that island, or having come from other sections of the country, have there first fallen under the dominion of the British arms; and particularly, that it will include all slaves and other property taken or received since the ratification of the treaty of peace between our respective governments. We remain, sir, &c.

T. NEWELL,
T. SPALDING.

Admiral Cockburn.

No. 4.

Head Quarters, Cumberland Island, March 11, 1815.

GENTLEMEN,—I have the honour to acknowledge the receipt of your note of the 10th current, the first part of which obliges me to beg your reconsideration of my letter of the 7th, as I believe so far from declining therein "all discussion of my construction of the 1st article of the treaty of peace lately concluded between our governments," I have there quoted, verbatim, the major part of it, and have explicitly stated to you the line of conduct which *my construction* of the said article called upon me to adopt in giving up the territory possessed by the forces under my orders.

I declined only entering into discussion respecting "captures made *elsewhere*, and which had been *removed* from the places *where captured prior* to the exchange of the ratifications of the peace," such not appearing to me to come within the specified intention of the aforesaid 1st article of the treaty, and you will perceive, by his signature added to my letter, the commander in chief of his Britannick majesty's forces on the North American station concurs with me in this opinion.

I have herewith the honour to transmit, in compliance with your request, a list of property and slaves originally captured on Cumberland Island, and which appear to have

remained on it at 11 P. M. of the 17th ultimo, the period at which the ratifications were exchanged. I have the honour to be, &c. G. COCKBURN, Rear Admiral.

To Capt. Newell and Thomas Spalding,
Agents for receiving restored territory and property, &c.

A List of Slaves and Property to be given up with Cumberland Island, in conformity with the Treaty lately concluded between Great Britain and the United States.

JACOB, Jas. Nightingale, Step, Daniel, John Miller, Harriet, Cinda, Jenny, Riva, Stephen, Peggy, Joe, Ellen, Mobeta, Leah, Betty, Stepney, George, Philly, Toby, Morris Sands, Ned Simmonds, Jackey, Phœbe Sanders, Celia, Mila, Kate, Hannah, Isaac, Die, Old Sarah, Die, Bob, Jenny, Lucy, Maria, Alfred, Sarah, Priscilla, Scipio, Bella, Jemmy, Jolly, Morris, Prime, Tom, Oscar, Andrew, Clarissa, Mary, Morris, Frank, Zak, Hetty, Bina, Kitt, Jacky, July, George, Frank, Lucy, Moll, Harry, Jack, Hesther, Sally, Monday, alias Lorenzo, Smart, Jas. Herriott, Parling, Alexander Delony, Jack, Betty, Nanny, Betty, Wm. Parling, Sancho.

Twenty-two bales of cotton, a number of horses and mules, some horned cattle.

G. COCKBURN, Rear Admiral.

Head Quarters, Cumberland Island, March 11, 1815.

No. 5.

Cumberland Island, March 11, 1815.

SIR,—We have to acknowledge the receipt of your note of the 11th instant, containing a list of slaves, and other property, which had been originally found on Cumberland Island, and which was remaining on the island at the ratification of the treaty of peace by the President. Against this construction of the first article of the treaty of peace, we must still protest, and we must still contend, sir, that all the property and all the slaves that were on Cumberland Island, or in the rivers and waters adjacent to the same, at the ratification of the treaty, in the spirit of amity, in which that article was concluded, should have been restored; and this construction of the first article of the treaty, was the more important to the people of the United States, as a great proportion of the property taken, and a great proportion of the slaves received, were sent from the waters of the United States, or from the island of

Cumberland, as late as between the period of the second and the fifth of March, and no inconsiderable number of slaves have been sent on board your shipping in the offing, even since we have had the honour of addressing to you our first note, of the 7th instant. But, sir, to have pressed our construction of the treaty, after your letter had been approved of by the commander in chief, (sir Alexander Cochrane,) and he had retired from the station, would have been something more than useless. We have then, sir, no alternative but to prefer this affair to our government. We cannot, however, conclude this correspondence, without acknowledging the pleasure we feel at the facilities which you have offered to all claimants of slaves to obtain their voluntary return—facilities which, we are sensible, would have been productive of more effect had more time been allowed to operate. And,

We are, sir, &c.

T. NEWELL,

Admiral Cockburn.

T. SPALDING.

No. 6.

Cumberland Island, March 13, 1815.

SIR,—It is with much regret I have to state, that of the slaves which you have ordered to be restored, as having joined the British forces under your command, after the ratification of the treaty of peace by the President of the United States, several of them, now on board the *Regulus*, captain Ramsey, have not been delivered. These slaves are two of Mr. Armstrong's, January and Mary Stubs, one of the slaves of Mr. Miller, and the four of Mr. Copp, which were yesterday directed to be given up. I have to add that two of the three slaves delivered up to Mr. Armstrong, the very night they returned home, made their escape, and will, unquestionably, attempt to reach your ships; I must, therefore, request that any of the above persons that can be found, or any other slaves that may join your fleet, from the United States, before they quit this station, may be delivered over to captain Masias, at Point Petre, or to his officer at Dungeness.

And I am, sir, respectfully, &c. T. SPALDING.

Admiral Cockburn, Albion.

(D.)

Extract of a Letter from Thomas Spalding, Esq. to the Secretary of State. St. George's, (Bermuda,) May, 1815.

“WE sailed from Savannah on the 10th of May, and

arrived on the 19th at Bermuda. While I was yet doubtful whether to apply to governour Cockburn of the Bermudas, as I soon understood there were but few American slaves remaining in his government, except what were in the naval arsenal at Ireland, and under the control of the naval commander, I received from admiral Griffith, through a lieutenant of the British navy, an intimation that he was desirous of seeing the agent, who was understood to have arrived from the United States, to make some demand of slaves and property. I waited, therefore, upon the admiral on the 20th instant, and found him very sick. I presented to him general Pinkney's authority, purporting to be derived from the President of the United States. He received me politely, appeared to me to be a mild and gentlemanly man; expressed much regret at the circumstance that led to the necessity of making this demand; but declared his inability to afford any relief; confirmed to me what I had before learned of most of the slaves having been sent to Halifax. He desired me, to-morrow, to address him in writing; that he would transmit my communication to his government, which was all that was in his power. Spoke something of giving me facilities on board of his ships to see and obtain the voluntary return of slaves. Finding that he was ill, and much exhausted, I took my leave, and promised to address him a letter as soon as I could prepare one.

“Governour sir James Cockburn arrived at St. George's on Saturday evening, and on Monday the 22d, at an early hour, I called upon him, still undetermined in my own mind whether to make my application to him on the subject of my mission or not, until I knew, at least, that there was something in his power to grant worth asking for. I, however, as I believed it to be my duty, in the event of having something to request, presented to him general Pinkney's letter of authority. He instantly lost his temper—denied my authority contained in that letter—declared he would receive nothing from any one but the Secretary of State. After giving such explanations as I believed to comport with my duty, I found his irritations increased rather than diminished. He would not permit me to proceed to detail any of the reasons for my mission, though very ready, as he said he was bound in candour to do, to declare against the American interpretation of the

first article of the treaty, and vehemently added, that he would rather Bermuda, and every man, woman, and child in it were sunk under the sea, than surrender one slave that had sought protection under the flag of England. I could add more in this spirit ; but more is not necessary. I withdrew from the governour and transmitted my letter, which was then ready, to the admiral, and which is enclosed. (No. 1.)

“ I noticed the governour came down to the wharf within a few moments after my leaving him, and embarked in a boat. I was then apprehensive the admiral’s communications would change their complexion, and this I found to be too true, as the enclosed letter, (No. 2.) which I received late on Tuesday the 23d, will show.”

No. 1.

St. George’s, (Bermuda,) May 22, 1815.

SIR,—I am appointed by the President of the United States the agent, and instructed by him to proceed in the first place to Bermuda, and from thence to any other of the colonies of his Britannick majesty, for the purpose of demanding the restoration of all publick or private property—and particularly of all slaves which have been taken from the United States after the ratification of the treaty, in contravention, (as my government conceives,) of the first article.

It is not my desire, nor is it the desire of my government, to enter into any discussion on the justice or policy of taking private property, or of receiving slaves during the continuation of the war : but that war having terminated, happily for both nations, in peace—the object of that peace unquestionably is to heal the wounds that the hand of war has inflicted. To do this effectually, there must certainly be on both sides a liberal and enlightened construction of every article of the treaty ; but above all, of that article in which individual as well as national right is concerned. I will now beg leave to invite your attention to the words of the first article of the treaty ; which are—

“ That all territory, places, and possessions, whatsoever, taken from either party during the war, or which may be taken after the signing of the treaty, excepting only the islands hereinafter mentioned, shall be restored with-

out delay, and without causing any destruction or carrying away any of the artillery, or other publick property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty ; or any slaves or other private property.”

After a careful perusal of this article, it very naturally and forcibly occurs to the mind that this article contains two separate and distinct principles : a restoration of publick property—a restitution of private property : that there is a manner of restitution liberal and enlightened—there is a manner of restitution illiberal and unfriendly, which the British commissioners, in the spirit of amity which dictated this article, were determined to guard against, by saying “ that all territory, places, and possessions, taken during the war, should be restored without delay, and without causing any destruction, or carrying away any artillery or other publick property, and which shall remain therein after the exchange of the ratification of this treaty.” These conditions can, from their nature, have no relation to private property ; they cannot be applied to it but by a strange perversion of language, and by being so applied the whole quality of the article becomes changed—and instead of being liberal and friendly, becomes limited, illiberal, and unfriendly.

The government of the United States were, therefore, greatly surprised to find that on a demand, at the Chesapeake, at Cumberland Island, and in Louisiana, of publick or private property, or slaves that were remaining within the limits of the United States, at the ratification of the treaty of peace, the commanding officers every where adopted the extraordinary principle, that if either publick or private property, or slaves, were removed a single mile from the place of capture, they were not restorable though still within the limits of the United States—though even under the eye of the commissioners who were instructed at the several points to demand the restoration, and, in many instances, in the presence of the original proprietors, many days after the ratification of the treaty had been notified to the officers commanding. Publick and private property, and slaves were shipped in a period of restored peace, in many instances to the ruin of the beholders, from the limits of the United States, because, as the commanding officers said, “ the property, or slaves, were not taken at the particular point which the

British forces occupied at the moment of the ratification of the treaty." So that all that was necessary to make the first article of the treaty, as far as regarded private property, or slaves, a complete nullity, as the British commanders were morally certain of receiving the earliest intimation of the contents of the treaty, they had only to draw in their outposts, and to contract their limits to points where no property and few slaves had been taken. This was conspicuously the case in Georgia. Much property was taken at St. Mary's, and some negroes; at St. Simon's some cotton and other property, and many hundred slaves: from St. Simon's the British forces were withdrawn but four days before the ratification of the treaty, and two hundred British troops occupied St. Mary's for a day and night even after the ratification of the treaty. Yet, sir, because these two places had not remained in the uniform possession of the British forces to the very moment of the ratification, all the property and all the slaves taken at either and placed in deposit at Cumberland, were considered without the pale of its operation. Here, I flatter myself, I might rest with assurance of your according in the justice of the construction which the government of the United States has given to the first article of the treaty, in expecting that all publick or private property, or slaves, which had been taken or received by the British forces during the war, and which remained within the limits of the United States at the ratification of the treaty of peace, whether on the land or within the acknowledged waters, would be restored.

But, not to be wanting to myself, and not to be wanting to my government, I must reluctantly trespass upon your time while I enforce the distinction I drew in the first part of my letter, between publick property to which the limitation in the first article of the treaty relates, and which enlarges and liberalizes its operation, and its application to slaves and private property, which would limit and make null its operations.

There may be, and often is, a strong motive for destroying publick, when there can be none for destroying private, property. It frequently happens, in surrendering territory by a treaty of peace, that the party withdrawing, stipulates a right to destroy the fortifications in its possession, and to carry away or destroy the artillery and

munitions of war in them; but, it is believed, that no example can be found of a stipulation to authorize the destruction of private property of any kind, especially slaves. Equally strange would a stipulation be not to destroy them.

The terms of the article preserve this distinction between publick and private property in a guarded manner. All territory, places, and possessions, with a particular exception, shall be restored without destroying or carrying away any of the artillery or other publick property, originally captured in the said forts or places, and which remain there upon the exchange of ratifications. So far the stipulation acts upon proper subjects and conforms to usage. Extend it to slaves and other private property, and how inconsistent and unnatural the application! Had it been intended to put slaves and other private property on the same ground with artillery and other publick property, the terms "originally captured in the said forts or places, and which shall remain therein on the exchange of the ratifications of this treaty," would have followed at the end of the sentence, after "slaves and other private property." In that case both interests, the publick and the private, would have been subject to the same restraint. But by separating them from each other, and putting the restrictive words immediately after "artillery and other publick property," it shows that it was intended to confine their operation to those objects only, excluding from it "slaves and other private property."

I will now close my letter to you by stating, that at the ratification of the treaty of peace, on the 17th of February, forty thousand dollars worth of cotton, tobacco, rice, other produce, and other goods, were on Cumberland Island, or in the ships, Countess Harcourt, and others, taken at St. Mary's and in its vicinity, and that those ships lay at that time in the Cumberland river, within a short distance of the shore: that the Countess Harcourt, and the ship Maria Teresa, had taken refuge in his catholick majesty's province of East Florida; they depended upon the neutrality of their situation for protection, and made no resistance; that about seven hundred out of seven hundred and thirty negroes that joined the British forces from Georgia, were on Cumberland Island, or in the ships so taken and then lying in Cumberland river. The first of these negroes, excepting a few that

had departed in ships of war, left the United States, in the Countess Harcourt, on the 19th of February; that many hundreds of them left Cumberland Island on the night of the 6th of March, and after I had had myself the honour of demanding them, on the part of the United States, from admiral Cockburn. I have not yet been furnished by my government with a list of slaves or private property, that was either at Tangier Island or in Louisiana, liable to restitution under the first article; but, from the publick papers, we are assured of the fact, and a few days will put me in possession of the necessary evidence of the property and slaves so situated. The documents in support of the facts in relation to the property and slaves from Georgia, I shall be ready at any time to present to you.

And I beg you, sir, to believe, that if in any part of this letter I have used strong language, it is far from my intention to offend, for I feel fully assured my government rejoices at the restoration of the relations of peace, and fondly hopes that neither time nor circumstance will again alienate two nations that manners, and customs, and language, and mutual interest should unite. And I am, &c.

THOS. SPALDING, Agent United States.

Rear Admiral Griffith, commanding his Majesty's Ships
and Vessels on the North American Station.

No. 2.

Admiral Griffith to Mr. Spalding. His Majesty's Ship Bulwark, Bermuda, May 23, 1815.

SIR,—I have to acknowlege the receipt of your letter of the 22d instant, informing me that you are appointed by the President of the United States, the agent, and instructed by him to proceed, in the first place, to Bermuda, and from thence to any other of the colonies of his Britannick majesty, for the purpose of demanding the restoration of all publick or private property, and particularly of all slaves which have been taken from the United States after the ratification of the treaty, in contravention (as your government conceives) of the first article.

Had I felt myself authorized or qualified to enter into a discussion of the several topicks your letter embraces, it would in the first place have been my duty to call upon you to produce the authority under which you have come to these islands, on a mission of this publick nature, for I

presume, as you state your appointment to be by the *President* of the United States, that the letter you put into my hand when I had the pleasure of seeing you the day before yesterday, (and which, if I recollect right, was signed "Pinkney," whom you informed was a major general in the service of the United States,) is not the only authority you are in possession of. However, sir, it is quite unnecessary to take this preliminary step, for the subject of your letter appearing to me more properly to belong to our respective governments to discuss than to the officers, military or naval, of either; the regular channel through which to make any applications of the nature of those alluded to in it, I should suppose would be the British minister, resident in the United States. Be this, however, as it may, I consider it entirely out of my province to enter into either negotiation or discussion with you on them, and the more so, from having learnt, since you called upon me, that the subject of your mission to these islands had been fully discussed between rear admiral Cockburn (before he left the coast of Florida) and commissioners appointed by the government of the United States; and that all persons then in possession of the British, who could possibly be considered as coming within the most liberal construction of the treaty, had been restored; and that the rear admiral's conduct and decisions had been fully approved by the late commander in chief, sir Alexander Cochrane, at Cumberland Island.

I shall not fail to transmit your letter to my government, and it might, at the same time, be satisfactory for a copy of the authority under which you have come to these islands to accompany it, should you think proper to furnish me with one.

I need scarcely observe that it will be loss of time your waiting here for the documents alluded to in the last paragraph but one of your letter; or visiting any other British islands or settlements, for the purposes set forth in your said letter; for I can venture to assure you that there is not any authority at either competent to deliver up persons, who during the late war, placed themselves under the protection of the British flag; or property which may have been captured during the continuance of hostilities.

I am, sir, &c.

EDWARD GRIFFITH,

Rear Admiral and Commander in chief.

Thomas Spalding, Esq.

(E.)

Extract of a Letter from Mr. Adams to the Secretary of State, dated at London, June 23, 1815.

“ I FURTHER observed, that the British admiral stationed in the Chesapeake had declined restoring slaves that he had taken, under a construction of the first article of the treaty, which the government of the United States considered erroneous, and which, I presumed, this government would likewise so consider; that a reference to the original draft of the British projet, and to an alteration proposed by us and assented to by the British plenipotentiaries, would immediately show the incorrectness of this construction. He said he thought it would be best to refer this matter to the gentlemen who were authorized to confer with us on the subject of a treaty of commerce. He asked me if Mr. Clay and Mr. Gallatin had communicated to me what had passed between them and this government on that head? I said they had. After inquiring whether I was joined in that commission, he said that the same persons had been appointed to treat with us who had concluded with us the treaty at Ghent, and that Mr. Robinson, the vice-president of the board of trade, had been added to them—they had already had some conferences with Messrs. Clay and Gallatin, and their powers were now made out and ready for them to proceed in the negotiation.”

Extract of a Letter from Mr. Adams to the Secretary of State, dated at London, August 15, 1815.

“ SIR,—The departure of Mr. Bagot having been some time delayed, and the private accounts from the United States received here indicating the actual continuance of Indian hostilities on the Mississippi and Missouri, I have thought it my duty, by an official communication to this government, to press for the surrender of Michilimackinac, and to apprise them that payment would be claimed for the value of the slaves carried away in contravention of the first article of the treaty of Ghent. I have the honour to enclose herewith a copy of my letter to lord Castlereagh on this occasion. I had mentioned to him the subject of the slaves in my first interview, and he had then expressed an intention to refer it to the commissioners with whom we were then negotiating the commercial con-

vention; but they received no instructions relative to it, and considered their powers as limited to the objects upon which my colleagues were authorized conjointly with me to treat."

Extract from Mr. Adams's Letter to Lord Castlereagh, dated August 9, 1815.

MY LORD,—In two several conferences with your lordship, I have had the honour of mentioning the refusal of his majesty's naval commanders, who, at the restoration of peace between the United States and Great Britain, were stationed on the American coast, to restore the slaves taken by them from their owners in the United States during the war, and then in their possession, notwithstanding the stipulation in the first article of the treaty of Ghent, that such slaves should not be carried away. Presuming that you are in possession of the correspondence, on this subject, which has passed between the Secretary of State of the United States and Mr. Baker, it will be unnecessary for me to repeat the demonstration, that the carrying away of these slaves is incompatible with the terms of the treaty. But as a reference to the documents of the negotiation at Ghent may serve to elucidate the intentions of the contracting parties, I am induced to present them to your consideration, in hopes that the minister of his majesty, now about to depart for the United States, may be authorized to direct the restitution of the slaves conformably to the treaty, or to provide for the payment of the value of those carried away contrary to that stipulation, which, in the event of their not being restored, I am instructed by my government to claim.

The first projet of the treaty of Ghent was offered by the American plenipotentiaries, and that *part* of the first article relating to slaves, was therein expressed in the following manner :

"All territory, places and possessions, without exception, taken by either party from the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay, and without causing any destruction, or carrying away any artillery or other publick property; or any slaves or other private property."

This projet was returned by the British plenipotentiaries with the proposal of several alterations, and among the rest, in this part of the first article, which they proposed should be so changed as to read thus :

“All territory, places and possessions, without exception, belonging to either party, and taken by the other during the war, or which may be taken after the signing of this treaty, shall be restored without delay and without causing any destruction, or carrying away any of the artillery or other publick property, or any slaves or other private property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty.”

It will be observed, that in this proposal, the words “originally captured in the said forts or places, and which shall remain therein upon the ratifications of this treaty,” operated as a modification of the article as originally proposed in the American projet. Instead of stipulating that no property, publick or private, artillery or slaves, should be carried away, they limited the prohibition of removal to all such property as had been originally captured in the forts and places, and should remain there at the exchange of the ratifications. They included within the limitation private as well as publick property, and had the article been assented to in this form by the American plenipotentiaries, and ratified by their government, it would have warranted the construction which the British commanders have given to the article as it was ultimately agreed to, and which it cannot admit. For, by a reference to the protocol of conference held on the 1st of December, 1814, there will be found among the alterations to the amended projet, proposed by the American plenipotentiaries, the following:

“Transpose alteration consisting of the words *originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty*, after the words *publick property*.”

“Agreed to by the British plenipotentiaries.”

It thus appears that the American plenipotentiaries admitted, with regard to artillery and publick property, the limitation which was proposed by the British amended projet, but that they did not assent to it with regard to slaves and private property: that, on the contrary, they asked such a transposition of the words of limitation, as would leave them applicable only to artillery and publick property, and would except slaves and private property from their operation altogether; that the British plenipotentiaries and government, by this proposed transposition

of the words, had full notice of the views of the other contracting party, in adhering to the generality of the prohibition to carry away slaves and private property, while acquiescing in a limitation with respect to artillery and publick property. With this notice, the British government agreed to the transposition of the words, and accordingly that part of the article as ratified by both governments now stands thus :

“ All territory, places and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other publick property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty ; or any slaves or other private property.”

From this view of the stipulation, as originally proposed at the negotiation of Ghent—as subsequently, modified by the proposals of the respective plenipotentiaries, and as finally agreed to by both the contracting parties, I trust it will remain evident, that in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken on their shores. Had the construction of the article itself been in any degree equivocal, this statement of the manner in which it was drawn up, would have sufficed to solve every doubt of its meaning. It would also show, that the British plenipotentiaries were not unaware of its purport as understood by those of the United States, and as I am instructed to urge its execution.”

Extract of a Letter from Mr. Adams to the Secretary of State, dated August 22, 1815.

“ REFERRING then to the contents of my letter of the 9th instant to lord Castlereagh, which he had seen, I told him (lord Liverpool) that having expected Mr. Bagot was on the eve of his departure, I had been anxious that he might go provided with instructions which might give satisfaction to the government of the United States, with regard to the execution of two very important stipulations in the

treaty of Ghent. He said that as to the surrender of Michilimackinac, there could be no sort of difficulty. The orders for its evacuation had been long since given. It was merely the want of barracks for their troops that had occasioned a momentary delay, and he had no doubt the fort had been before this delivered up. There never had been for a moment the intention, on the part of the British government, to retain any place which they had stipulated to restore. But with respect to the slaves, they certainly construed very differently from the American government the stipulations relating to them. They thought that it applied only to the slaves in the forts and places, which having been taken during the war, were to be restored at the peace. I said that independent of the construction of the sentence which so strongly marked the distinction between the artillery and publick property, and slaves and private property, the process, by which the article had been drawn up, demonstrated, beyond all question, that a distinction between them was intended and understood by both parties. The first projet of the treaty had been presented by us. This had been required, and even insisted upon by the British plenipotentiaries. The article was, therefore, drawn up by us, and our intention certainly was to secure the restoration both of the publick and private property, including slaves, which had been in any manner captured on shore during the war. The projet was returned to us with a limitation upon the restoration of property, whether publick or private, to such as had been in the places when captured, and should remain there at the time of the evacuation. We assented to this so far as artillery and publick property, which, by the usages of war, is liable to be taken and removed, but not with regard to private property and slaves, which we thought should, at all events, be restored, because they ought never to have been taken. We, therefore, proposed the transposition of the words, as stated in my letter to lord Castlereagh. The construction upon which the British commanders have carried away the slaves would annul the whole effect of the transposition of the words. Artillery and publick property had, of course, been found, and could, therefore, be restored almost or quite exclusively in the forts or places occupied by troops. But there was not perhaps, a slave to carry away in all those which were occupied by the British when the treaty was concluded;

and to confine the stipulation relating to slaves within the same limits as those agreed to with regard to publick property, would reduce them to a dead letter. He said that perhaps the British plenipotentiaries had agreed to the transposition of the words there, at Ghent, without referring to the government here ; and that although the intention of the parties might be developed by reference to the course of the negotiations, yet the ultimate construction must be upon the words of the treaty as they stood. He would see Mr. Goulburn, and inquire of him how they understood this transposition ; but certainly for himself, (and he could speak for the whole government here,) he had considered them only as promising not to carry away slaves from the places which were occupied by their forces, and which they were to evacuate. There were, perhaps, few or no slaves in the places then occupied by them, but there was a probability at the time when the treaty was signed that New Orleans, and other parts of the southern states, might be in their possession at the time of the exchange of the ratifications. If they had understood the words to imply that persons who, from whatever motive, had taken refuge under the protection of the British forces, should be delivered up to those who, to say the least, must feel unkindly towards them, and might treat them harshly, they should have objected to it. Something else, he could not say what, would have been proposed. I said I had referred to the progress of the negotiation, and the protocol of conferences, only as confirming what I thought the evident purport of the words of the treaty. To speak in perfect candour, I would not undertake to say that the British plenipotentiaries had taken a view of the subject different from that of their government. But certainly we had drawn up the article without any anticipation that New Orleans, or other southern ports, not then in their possession, would, at the ratification of the treaty, be occupied by them. Our intentions were to provide that no slaves should be carried away. We had no thought of disguising or concealing those intentions.

Had the British plenipotentiaries asked of us an explanation of our proposal to transpose the words we should certainly have given it ; we evidently had an object in making the proposal, and we thought the words themselves fully disclosed it. Our object was the restoration of all property, including slaves, which, by the usages of war

among civilized nations, ought not to have been taken. All private property on shore was of that description ; it was entitled, by the laws of war, to exemption from capture—slaves were private property. Lord Liverpool said that he thought they could not be considered precisely under the general denomination of private property ; a table or a chair, for instance, might be taken and restored without changing its condition, but a living and human being was entitled to other considerations. I replied that the treaty had marked no such distinction ; the words implicitly recognised slaves as private property—in the article alluded to “ slaves or *other* private property.” Not that I meant to deny the principle assumed by him ; most certainly a living, sentient being, and still more a human being, was to be regarded in a different light from the inanimate matter of which other private property might consist. And if on the ground of that difference, the British plenipotentiaries had objected to restore the one while consenting to restore the other, we should readily have discussed the subject ; we might have accepted or objected to the proposal they would have made. But what could that proposal have been ? Upon what ground could Great Britain have refused to restore them ? Was it because they had been seduced away from their masters by the promises of British officers ? But had they taken New Orleans, or any other southern city, would not all the slaves in it have had as much claim to the benefit of such promises as the fugitives from their masters elsewhere ? How then could the place, if it had been taken, have been evacuated according to the treaty, without carrying away any slaves, if the pledge of such promises was to protect them from being restored to their owners ? It was true, proclamations inviting slaves to desert from their masters had been issued by British officers ; we considered them as deviations from the usages of war ; we believed that the British government itself would, when the hostile passions, arising from the state of war, should subside, consider them in the same light ; that Great Britain would then be willing to restore the property or to indemnify the sufferers by its loss : if she felt bound to make good the promises of her officers to the slaves, she might still be willing to do an act of justice, by compensating the owners of the slaves for the property which had been irregularly taken from them. Without entering into a discussion

which might have been at once unprofitable and irritating, she might consider this engagement only as a promise to pay to the owners of the slaves the value of those of them which might be carried away. Lord Liverpool manifested no dissatisfaction at these remarks, nor did he attempt to justify the proclamation to which I particularly alluded."

Extract of a Letter from Mr. Adams to Mr. Monroe, dated London, Sept. 5, 1815.

"IN compliance with your instructions, I have this day addressed lord Castlereagh, claiming payment from the British government for the slaves carried away from Cumberland Island and the adjoining waters, after the ratification of the treaty of peace, and in contravention to one of the express stipulations of that treaty.

"My preceding despatches, Nos. 9 and 10, will have informed you of the steps I had taken by an official letter to lord Castlereagh, and by a personal interview with the earl of Liverpool, in relation to this subject, previous to the receipt of your last instructions. The letter to lord Castlereagh has hitherto remained unanswered, and lord Liverpool made no attempt to answer either the reasoning of your letter on the subject to Mr. Baker, or the statement of the proof with regard to the meaning of the article, resulting from the manner in which it had been drawn up and agreed to. The substance of what he said was, that in agreeing to the article as it stands, they had not been aware that it would bind them to restore the slaves whom their officers had enticed away by promises of freedom.

"The case of these slaves, carried away from Cumberland, seems not even to admit of the distinction to which Mr. Baker and lord Liverpool resorted; yet the prospect of obtaining either restoration or indemnity, appears to me not more favourable in this case than in many others of the same class. If there were any probability that this government would admit the principle of making indemnity, it would become necessary for me to remark, that the list of slaves transmitted to me, and of which I have sent to lord Castlereagh a copy, is not an authenticated document—it is, itself, merely a copy of a paper, under the simple signature of two persons, one of them an officer in the service of the United States, and the other, apparently,

a private individual. It can scarcely be expected that the British government, or, indeed, any other, would grant a large sum of indemnities upon evidence of this description. Neither could I feel myself prepared to bargain for the value of these slaves, according to a general conjectural estimate of their value. I have made the offer under the full conviction that it will not be accepted. But if indemnity should ever be consented by this government to be made, the claims are of a nature to be settled only by a board of commissioners, authorized to scrutinize, in judicial forms, the evidence in support of them. I have also thought it would give a further sanction to the claim, to advance it while offering, still, to this government the alternative of restoring the slaves themselves."

Mr. Adams to Lord Castlereagh. London, September 5, 1815.

MY LORD,—In the letter which I had the honour of addressing to your lordship, on the 9th of August last, I stated that I had been instructed by my government to claim the payment of the value of the slaves carried away from the United States by the British naval commanders stationed on the American coast, notwithstanding the express stipulation to the contrary in the first article of the treaty of Ghent, in the event that such slaves should not be restored to their owners.

The enclosed is a copy of a list of seven hundred and two slaves taken in the state of Georgia, by the forces under the command of rear admiral Cockburn, and carried away after the ratification of the treaty of peace from Cumberland Island, or the waters adjacent to the same, which has been transmitted to me by the Secretary of State of the United States, with a new instruction to claim the indemnity, justly due to the owners, to the full value of each slave. Should his majesty's government now prefer to restore the slaves, who must yet be in their possession or that of their officers, it is presumed to be still practicable; but their removal having been in contravention of the express stipulation of the treaty, it is to the faith of Great Britain, pledged, by that stipulation, that the United States can alone recur for indemnification to the owners for the loss of their property, if the slaves are not restored.

If it should be deemed expedient rather to make this

compensation than to restore the slaves to their owners, I am authorized to enter into such arrangements as may be thought proper for ascertaining the amount of the indemnity to be made, and settling the manner in which it may be allowed. I have the honour to be, &c.

JOHN QUINCY ADAMS.

To the Right Hon. Lord Viscount Castlereagh, &c.

Extract of a Letter from Mr. Adams to Mr. Monroe, dated London, Sept. 26, 1815.

“I HAVE not yet received any answer to either of those which I addressed to lord Castlereagh, in relation to the slaves carried away in violation of the first article of the treaty of Ghent.”

Copy of a Letter from Mr. Adams to Lord Bathurst. 25 Charles Street, Westminster, Oct. 7, 1815.

MY LORD,—The documents of which I have now the honour of enclosing to your lordship copies, have been transmitted to me from the government of the United States, with instructions to apply to that of his majesty for the restitution of the slaves referred to in them, or for indemnity to their proprietor, Raleigh W. Downman, for the loss of them. In the cases which I have heretofore presented to the consideration of his majesty's government, and concerning which I am yet waiting for the honour of an answer, I have deemed it sufficient to state, in support of the documents furnished, the simple fact of the taking and carrying away of the slaves, and the appeal to the plain and explicit stipulation in the treaty of Ghent, which has been thereby violated. But in addition to these grounds of claim, it cannot escape your lordship's discernment that in the present case there are circumstances which entitle it to peculiar regard, independent of the engagement in the treaty: these slaves having been taken and carried away by a British officer, while himself under the special and solemn protection of a flag of truce. The transaction, therefore, was in the nature of a breach of parole: marked not only with the exceptionable characters of depredation upon private property, but with the disregard of that sacred pledge of peace which is tacitly and universally understood to be given by the assumption of a flag of truce; to prescribe the restitution of property

thus captured, no express stipulation could be necessary. Yet the stipulation of the treaty applies likewise to the present claim in all its force. I am induced to hope it will meet with the immediate attention of his majesty's government.

I am happy to avail myself of the occasion to renew to your lordship the assurance of my highest consideration.

JOHN QUINCY ADAMS.

Copy of a Note from Lord Bathurst to Mr. Adams. Foreign Office, Oct. 9, 1815.

EARL BATHURST presents his compliments to Mr. Adams, and has the honour to inform him that his majesty's government will cause immediate inquiry to be made into the case of the slaves carried away by the officer of the flag of truce, as represented in Mr. Adams's note of the 7th instant.

Lord Bathurst requests Mr. Adams will accept the assurance of his high consideration.

Copy of a Letter from Mr. Adams to the Secretary of State, dated October 31, 1815.

SIR,—I have the honour to enclose copies of two papers received from lord Bathurst, relative to the taking and carrying away of slaves from the United States by the British naval commanders, in violation of the first article of the treaty of Ghent, and also by an abuse of the privileges allowed to a flag of truce. I have the honour to be, &c.

JOHN QUINCY ADAMS.

Copy of a Note from Lord Bathurst to Mr. Adams, dated October 24, 1815.

THE undersigned, one of his majesty's principal secretaries of state, has the honour to acknowledge the receipt of Mr. Adams's letter of the 7th instant, with the documents therein contained, relating to eleven slaves, the property of Raleigh W. Downman, an American, stated to have been received on board and carried off in a flag of truce sent by captain Barrie (when senior officer in the command of the British flotilla up the Rappahanock) to procure the release of a surgeon's assistant who had been made prisoner.

The undersigned has the honour to acquaint Mr. Adams

that captain Barrie having been referred to, without loss of time, for such particulars as he might be enabled to give upon this subject, a statement to the following effect has been received from that officer, which the undersigned hastens to communicate to Mr. Adams.

Captain Barrie has not any documents with him to which he can refer, but he feels confident that he may trust to his memory on this occasion.

The letters marked A and B, transmitted by Mr. Adams, captain Barrie believes to be copies of those which passed between the American commanding officer and himself.

He is certain that he never received the letter marked D, copy of which is transmitted in Mr. Adams's letter, and has no recollection of any slaves ever having been received on board any flag of truce during the time he was entrusted with the command of the Chesapeake squadron; if such a circumstance did occur it was without his knowledge or authority. Had such an event fallen under captain Barrie's cognizance he would (if the slaves had forcibly been taken from the shore) instantly have ordered them to be restored, and the officer so offending into confinement, till he could be brought to trial; if, however, the slaves had voluntarily sought British protection, and had once obtained a footing under the British colours, he should not have taken upon himself to allow them to be forced back into slavery, but should have waited the directions of the commander in chief. During the two winters that captain Barrie was employed as senior officer in the Chesapeake, the slaves were constantly escaping from the shore and joining the British ships: on these occasions their general practice was to show something to represent the white flag, and captain Barrie thinks it not improbable (if any slaves were received on board the Franklin) that they may have escaped in the canoe and have themselves hoisted the flag which has been sworn to.

Before the surgeon's mate was restored, admiral Cockburn had arrived in the Chesapeake, and if the letter D had ever reached the admiral, captain Barrie is of opinion it certainly would have been communicated to him.

Captain Barrie states that the masters of the slaves very frequently came off to the ships to claim them; on

which occasions he uniformly left it to the slaves whether they would remain under British protection or return to their masters, and even allowed the masters to converse with their slaves apart from the ship's company.

The violation of a flag of truce was a very tender subject with captain Barrie at the period in question, for he had a short time previous been engaged in correspondence with the commanding officer of the United States forces at Norfolk, on want of respect paid to British flags of truce; one of his small four oared boats, unarmed, with a large new white flag flying, having been wantonly fired on in open day, though the boat was proceeding to the place where the Americans had previously arranged that flags of truce should be received. One of captain Barrie's men was killed when the boat was receding from the shore with the flag of truce still flying. The boat was employed to land the servant of the Russian secretary of legation who was on board the Dragon waiting a passage to Europe. Captain Barrie remarks on Downman's memorial, that till after the peace a squadron was constantly in the Chesapeake, and that though the Dragon had sailed, the letter D, if then in existence, could easily have been presented to the senior officers, either at Tangier Island or Symban Bay. The Franklin, the vessel stated to have carried off the slaves, remained in the bay with the ship she was manned from, the Havanna.

The undersigned trusts that after a perusal of the above statement, on the part of captain Barrie, Mr. Adams will concur in the opinion that some mistake exists with respect to the conduct imputed to that officer. But the undersigned has the honour to acquaint Mr. Adams, that in order to ascertain, as well as possible, the real state of the transaction, a communication will be made forthwith to admiral Cockburn, for the purpose of obtaining further information upon the subject, with which he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned requests Mr. Adams will accept the assurances of his highest consideration. BATHURST.

Foreign Office, October 24, 1815.

*Copy of a Note from Lord Bathurst to Mr. Adams,
dated October 25, 1815.*

THE undersigned, one of his majesty's principal secre-

taries of state, has had the honour to receive Mr. Adams's letters of the 9th of August and 5th of September, last ; the first of which, recites the first article of the treaty of Ghent, and requires "that his majesty's naval commanders, who at the restoration of peace between the United States and Great Britain were stationed on the American coast, should restore the slaves taken by them, from their owners, in the United States, during the war, and then in their possession." This claim is set up in consequence of the following interpretation which is given to the first article of the said treaty by the government of the United States, in as far as it relates to slaves and private property, namely : "That in evacuating all places within the jurisdiction of the United States, and in departing from their waters, the British commanders were bound not to carry away any slaves, or other private property of the citizens of the United States, which had been taken upon their shores." And it takes its origin from a different construction, of the same article of the treaty, by his majesty's naval officers on the coast of America, who, (according to Mr. Monroe's letter to Mr. Baker, of the 1st of April,) contend that "slaves, and other private property, are comprised under the same regulation with artillery and other publick property, and that none ought, in consequence, to be restored, except such as were, at the time of the exchange of the ratifications of the treaty, in the forts and places where they were originally taken."

The arguments brought forward by the American government, in support of their understanding of the first article of the treaty of Ghent, rest partly upon such collateral evidence as may be deduced from the intention of the negotiators, at the time they drew up that article. The undersigned need not remind Mr. Adams of the inconvenience which would result, were the parties upon whom treaties are binding to recur to the intentions of the negotiators of such treaty, instead of taking as their guide the context of the treaty itself, on any point of controversy respecting it.

The undersigned is, however, willing to wave this objection. In this instance, it would appear that the alteration in the original article proposed by the British commissioners, was introduced by a verbal amendment suggested by the American plenipotentiaries. Many alterations of this kind took place, sometimes at the suggestion

of one party and sometimes of the other, but it surely is not meant to be inferred from this that a change of phrase, professedly verbal, is to be taken as necessarily denoting or importing an admitted change of construction. It is certainly possible that one party may propose an alteration with a mental reservation of some construction of his own, and that he may assent to it, on a firm persuasion that the construction continues to be the same; and that therefore he may conciliate, and yet concede nothing by giving his assent. The proposed alteration was considered as merely verbal—no suspicion appears to have been entertained that it changed the stipulation as originally introduced: and it is not averred that the American plenipotentiaries then thought of the construction now set up by their government. The meaning of the British negotiators is admitted to have been made quite apparent by their projet, and as nothing passed indicative of any objections to it on the part of the American commissioners, or of any departure from it by the British negotiators when the alterations was suggested by one party and acceded to by the other; and as there was no discussion on the propriety of making the restitution more extensive as to slaves, and other private property, than as to the other property mentioned, the undersigned cannot subscribe to the conclusions which Mr. Adams and his government have drawn from this manner of viewing the subject. The undersigned will now proceed to examine that part of the subject which regards the construction that has been given to the context of the article in question by the government of the United States.

By the first article of the treaty, it is stipulated that "there shall be a firm and universal peace between his Britannick majesty and the United States, and between their respective countries, territories, cities, towns, and people of every degree, without exception of places or persons. All hostilities both by sea and land shall cease as soon as this treaty shall have been ratified by both parties as herein after mentioned. All territory, places, and possessions whatsoever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands herein after mentioned, shall be restored without delay, and without causing any destruction or carrying away any of the artillery, or other publick property originally captured in

the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty ; or any slaves or other private property. And all archives, records, deeds, and papers, either of a publick nature or belonging to private persons, which in the course of the war may have fallen into the hands of the officers of either party shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be at the time of the exchange of the ratifications of this treaty, until the decision respecting the title to the said islands shall have been made in conformity with the fourth article of this treaty.

“ No disposition made by this treaty as to such possession of the islands and territories claimed by both parties shall, in any manner, whatsoever, be construed to affect the right of either.”

The main purport of the first article in the former part of it, relates to the general pacification, and in the latter part of it to some of the direct consequences on the territorial possessions of the two countries, and the property within such possessions. As to the publick property in the posts or places to be restored, it provides that if it shall have the double condition annexed to it of having been originally captured therein, and of remaining therein when the ratifications are exchanged, then such property is to be restored, and it is not to be destroyed or carried away. It would surely have been unusual and unreasonable to have stipulated for the restitution of any property which never had belonged to the fort or place, or which had been already destroyed or carried away so as no longer in fairness, to have been considered as belonging to it, for it would seem to have no connexion with the subject matter of that part of the article in which the stipulation concerning it must be supposed to occur. As to publick property, it appears quite plain that the carrying away here spoken of, is *from* the fort or place to which it belonged, and from no other ; for the condition which is admitted to apply to that would otherwise have no application at all : and no sound reason can be given why the condition might not, in both its branches, apply as well to private as to publick property—provided the construction

would fairly admit of it. Both parties appear to agree as to the conditions which relate to publick property. But then immediately follow, in the same sentence, the words "or any slaves or other private property." And here the question is whether slaves, and other private property, are to be restored under the same limitation provided in the same article, and in that part of it which immediately precedes the words in question, or whether they are to be restored under different provisions? In the first place the words do not admit of, nor is it contended by either party that there is, any distinction whatever made in this article between slaves and other private property; they are incontestably placed on the same footing, and whatever stipulations in this article apply to slaves as one description of private property, must of necessity apply equally to all other private property referred to in the article. The question then is, under what conditions is it stipulated that private property, (slaves inclusive,) is to be restored? If it be contended that by the position of the words in this article, private property is released from all the conditions under which it is admitted that publick property is to be restored, the restitution becomes in that case unconditional. But Mr. Monroe does not contend for an unconditional restitution; and, therefore, seems to admit that the stipulation respecting private property is not a new and substantial stipulation, independent of preceding words, but that the words "carrying away," which, in the preceding part of the sentence, apply to the restitution of publick property apply equally to the restitution of private property. But if the words "carrying away" apply to private as well as publick property, how entirely arbitrary it is to say that the intervening words do apply to the one and do not apply to the other, although the words "carrying away" grammatically govern both?

Admitting, however, this arbitrary construction, still it would be more extensive than that for which Mr. Monroe contends. For in that case, there would be no limitation assigned as to the place where the private property was originally captured, nor any limitation as to the place from whence the private property was not to be carried away. All merchant vessels, therefore, captured on the high seas, and their effects, must, according to this construction, be restored, even if they should not be within the limits of the United States at the time of the exchange of the

ratifications. Neither would there be any limitation as to the time subsequent to which the carrying away is not to take place. It might be from the commencement of the war—or from the signature of the treaty—or from the exchange of the ratifications : whereas, Mr. Monroe contends, that the places where they had been originally captured—the places from whence they must not be carried away—and the period to which this limitation applies, are well ascertained by the first article. According to the construction of this article, by the American government, the private property in contemplation is limited to such as had been originally captured within the territories of the United States ; and such property, so captured, must not be carried away after the exchange of the ratifications, nor from any place within the limits of the United States, whether this private property be at that period in American ports, or British ships of war, or British vessels. But if the first article provide for all these stipulations, one of them placing private property on the same footing as that on which, by the same, publick property is placed, and the others establishing dissimilar conditions, it is impossible to look at those passages in this first article, which can alone be made to apply to such provisions, and not be at once satisfied that these limitations cannot be extracted, without such omissions and interpolations as the undersigned is persuaded that it is not the intention of the American government to maintain. As to the application of this article to private property on shipboard, neither does the first article itself, nor did any discussion respecting it, express or refer to any such restitution of property, remaining in British ships of war or British vessels. There are not only no words in the article which stipulate such a provision, but there is a provision in the second article, which stipulates the contrary. By the second, the conditions are stipulated on which vessels and their effects are to be restored—they are to be restored if the vessels be not captured until after a given time from the exchange of the ratifications. If the vessels were captured previous to the time limited, neither they nor their effects are to be restored, wherever such vessels with their effects may be, although they should be within the limits of the United States ; yet according to the stipulations of the second article, which have a direct application to private property

on ship board, if they have been captured within a limited time, they may be carried away at any subsequent period without reference to the exchange of the ratifications. To Mr. Monroe's observation, that destruction, in the first article, cannot apply to slaves, it might be sufficient to answer, that the expression may certainly apply to other private property, and that the stipulations which apply to one must apply to the other; but the observation is, in truth, not material to the question at issue, because the point in dispute is not with reference to private property destroyed, but to private property carried away; which words, it is admitted, do apply to slaves and other private property. The question, then, seems to be this: Is that construction the true one, which is the most simple and is grammatically correct, and was that which it is admitted one of the contracting parties intended, and against which the other did not at the time object? or is that construction to be adopted which was not at the time professed—which the words of the article do not express, and which is in contravention of the article which immediately follows it?

In this alternative, the undersigned has no hesitation in communicating to Mr. Adams, that the British government is under the necessity of adhering to the construction of the disputed point in the first article of the treaty of Ghent, as set forth in this note, much as it has to regret, that the construction should differ so widely from that of the government of the United States.

The undersigned requests Mr. Adams to accept the assurances of his high consideration.

BATHURST.

Foreign Office, Oct. 25, 1815.

Extract of a Letter from the Secretary of State to Mr. Adams, dated November 16, 1815.

“It cannot be doubted that the British government will make a just indemnity to the owners for the slaves who were carried from the United States by the British officers, in violation of the treaty of peace. The construction of the article relating to this subject, given in my letter to Mr. Baker, and maintained with so much reason and force in your conference with lord Liverpool, is that alone which can be admitted here. The palpable violation of the treaty by the British officers, in carrying those persons off, after the peace was proclaimed, from

the presence of their owners, excited a sensibility which need not be described. A vigorous effort of the government to obtain justice is claimed and expected by them. Lists of the slaves taken from Cumberland Island and Tangiers, have already been forwarded, and lists of those taken from other parts will be forwarded when obtained."

Extract of a Letter from the Secretary of State to Mr. Adams, dated November 20, 1815.

"It is not expected that the British government will pay for any slaves who were carried from the United States, in violation of the treaty, of which satisfactory proof is not adduced. The proof applicable to those who were taken from Cumberland and Tangier Islands, will, I presume, be placed on the strongest ground; and I have no doubt that proof equally strong may be obtained of the removal of many others, who were carried off after the peace, in British ships, from other quarters. It is important that the principle be first established, that the British government will pay for the slaves carried off in violation of the treaty. The manner of liquidating the claims is the next point to be arranged. The mode suggested by you, the appointment of a board of commissioners, with full powers to investigate every case, is thought the most eligible, indeed the only one that could do justice to the parties. This board ought to consist of one or more commissioners, to be appointed in equal number by each government, and to hold its session in the United States."

Extract of a Letter from Mr. Adams to the Secretary of State, dated London, February 8, 1816.

"In adverting to the subject of the slaves, I reminded him, (lord Castlereagh) that there were three distinct points relating to them which had been under discussion between the two governments. The first regarding the slaves carried away by the British commanders from the United States contrary, as the American government holds, to the express stipulation of the treaty of Ghent. After referring to the correspondence which has taken place on this topick at Washington, and here, I observed that the last note concerning it, which I had received from lord Bathurst, seemed to intimate that this government had taken its final determination on the matter: that I hoped it was

not so—I hoped they would give it further consideration—it had been the cause of so much anxiety to my government—it was urged so constantly and so earnestly in my instructions. The language of the treaty appeared to us so clear and unequivocal—the violation of it, in carrying away the slaves, so manifest—and the losses of property occasioned to our citizens so considerable, and so serious, that I would not abandon the hope that further consideration would be given to it here, and ultimately that satisfaction would be made to the United States on this cause of complaint. Lord Castlereagh said that he had not seen the correspondence to which I referred, but that he would have it looked up, and examine it. There was, I told him, a special representation concerning eleven slaves taken from Mr. Downman by the violation of a flag of truce sent ashore by captain Barrie: I had also received from lord Bathurst an answer relative to this complaint, stating that it had been referred to captain Barrie for a report, and giving the substance of that which he had made. It did not disprove any of the facts alleged by Mr. Downman; but I must remark that captain Barrie was himself the officer who had sent the flag of truce, and who was responsible for the violation of it—and that as a general principle it was scarcely to be expected that satisfaction for an injury could ever be obtained, if the report of the person upon whom it was charged should be received as a conclusive answer to the complaint. He said he supposed the complaint itself was only the allegation of an individual, and that naturally reference must be made to the officer complained of for his answer to the charge. I replied that the documents I had furnished copies of, in Mr. Downman's case, did not consist merely of his allegations; there were affidavits of several other persons—taken indeed *ex parte* because they could not be taken otherwise—but they were full and strong to the points, both of the violation of the flag and of the carrying away of the slaves. He said he did not know how they could proceed otherwise, unless the affair were of sufficient importance for the appointment of commissioners by the two governments; but he had not seen the papers, and would look into them.”

*Extract of a Letter from Mr. Adams to Mr. Monroe, dated
London, February 17, 1816.*

“ THE note respecting the slaves carried away is a re-

ply to that which I received from earl Bathurst in October last, as an answer to your letter to Mr. Baker, and to my letters of the 9th August and 5th September last, to lord Castlereagh. A copy of lord Bathurst's note was transmitted to you immediately after it was received. The determination to refuse all satisfaction for this glaring violation of the treaty appeared, by the note, to be so settled and peremptory that I thought it would be most prudent to allow some interval of time to elapse previous to exposing all the distortion of facts and perversion of argument with which it abounded. I found upon the conversation with lord Castlereagh that he had seen none of the papers which had passed on this question during his absence in France, and this circumstance has afforded a proper occasion for urging the discussion again."

Mr. Adams to the Right Honourable Lord Viscount Castlereagh, his Majesty's principal Secretary of State for the Department of Foreign Affairs.

THE undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, requests the attention of lord Castlereagh to the letters which he had the honour of addressing to his lordship on the 9th of August and 5th of September last, in relation to the slaves belonging to the citizens of the United States, carried away by the naval commanders of the British forces from places within the United States subsequently to the peace between the two countries, and in violation of the engagement in the first article of the treaty of Ghent.

In pressing this subject once more upon the consideration of his majesty's government, the undersigned deems it necessary to state the terms of the stipulation in the treaty, and the facts in breach of it, constituting the injury for which he is instructed to ask redress from the justice and good faith of the British government.

The stipulation of the treaty is as follows :

"All territory, places, and possessions whatever, taken by either party from the other during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other publick property originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty ; or any slaves or other private property."

The facts in violation of this stipulation are, that in evacuating sundry places within the United States, which had been taken by the British forces during the war, the British naval commanders did carry away great numbers of slaves belonging to citizens of the United States. In his letter of the 5th of September, the undersigned had the honour of enclosing a list of seven hundred and two slaves carried away, after the ratification of the treaty of peace, from Cumberland Island and the waters adjacent, in the state of Georgia, by the forces under the command of rear admiral Cockburn, with the names of the slaves, and those of their owners, citizens of the United States. A number, perhaps, still greater was carried away from Tangier Island, in the state of Virginia, and from other places, lists of whom, and of their proprietors, the undersigned expects to be enabled, in like manner, to produce. The only foundation which these naval commanders have alleged for this procedure was a construction of the paragraph containing this stipulation, so contrary to its grammatical sense and obvious purport, that the undersigned is well assured if the same phrase had occurred in any municipal contract between individuals, no judicial tribunal in this kingdom would entertain, for a moment, a question upon it;—a construction under which the whole operation of the words “slaves or other private property,” was annihilated, by extending to them the limitation confined, by the words of the treaty, to artillery and publick property.

In addition to the unequivocal import of the words, the undersigned, in his letter of the 9th of August, adduced the manner in which the article had been drawn up, discussed, and finally agreed upon at the negotiation of the treaty, to prove that the intention of the parties had been conformable to the plain letter of the article. It was intimated in the answer to his two letters, which he had the honour of receiving from earl Bathurst, that some inconvenience might result, if the parties upon whom treaties are binding were to recur to the intentions of the negotiators of such treaty, instead of taking, as their guide, the context of the treaty itself, on any point of controversy respecting it. In reply to which, the undersigned observes, that his letter did not recur to the intentions of the negotiators, but to the intentions of the parties to the treaty, as manifested in the process of drawing up and agreeing to the article; and not even to them, instead of

the context of the treaty itself, but to support and maintain the context of the treaty against what he deemed a misconstruction, equally at variance with the rules of grammar and the intentions of the parties.

It is observed, in lord Bathurst's answer, that in this instance, the article as it stands was agreed to, by a verbal amendment suggested by the American plenipotentiaries, to the original article proposed by the British commissioners. Far otherwise—the original article was proposed by the American, and not by the British, plenipotentiaries. The original article proposed, that in evacuating the places to be restored, no property, publick or private, artillery or slaves, should be carried away. An alteration was proposed by the British plenipotentiaries, and its object was, to limit the property to be restored with the places, to such as had been originally captured in the places, and should be remaining there at the time of the exchange of the ratifications. The reason alleged for this alteration applied only to publick property: It might be impracticable to restore property which, though originally captured in the places, might have been removed from it before the exchange of the ratifications.

But private property, not having been subject to legitimate capture with the places, was not liable to the reason of the limitation; to which the American plenipotentiaries, therefore, assented only so far as related to artillery and publick property; they did not assent to it as related to slaves and other private property. It was not a mere verbal alteration which they proposed: they adhered, in relation to slaves and other private property, to their original draft of the article, while they consented to the proposed alteration with regard to artillery and publick property. To this qualified acceptance the British commissioners agreed; nor need the undersigned remind lord Castlereagh that the British plenipotentiaries did not sign the treaty of Ghent until this article, as finally agreed to, and every other important part of the treaty, had been submitted to the British government itself, and received their sanction and approbation.

If lord Bathurst had taken this, which is presented as the true view of the circumstances under which the article in question was drawn up and adopted, the undersigned is persuaded that he would have been spared the necessity of adverting to the following passage of his lordship's

answer, in which the undersigned trusts that some error of a copyist has left its meaning imperfectly expressed :

“ It is certainly possible that one party may propose an alteration, with a mental reservation of some construction of his own, and that he may assent to it on the firm persuasion that the construction continues to be the same—and that, therefore, he may conciliate and yet concede nothing by giving his assent.”

The only sense which the undersigned can discover in this sentence as it stands, is that a party may conciliate and yet concede nothing, by assenting to an alteration insidiously proposed by himself. Impossible as it is that such could have been lord Bathurst's real meaning, the undersigned is equally unwilling to believe that his lordship intended to insinuate that, in the case of the stipulation now in question, an alteration was, on the part of the United States, proposed with a mental reservation of a construction not then avowed, which was assented to by Great Britain with a firm persuasion that under the alteration the construction would remain the same. The undersigned must be allowed to say that there was nothing in the transaction referred to which could justify such an insinuation ; that the article, as originally drawn by the American plenipotentiaries and presented to the British government, was plain and clear ; that it admitted of no other construction than that for which the American government now contends ; that it avowedly and openly contained a stipulation that in the evacuation of all the territories, places, and possessions, to be restored, no slave should be carried away ; that an alteration was proposed by the British plenipotentiaries, which was accepted only in part ; that in this partial acceptance the British government acquiesced, the undersigned will certainly not say with a mental reservation to make up by a subsequent construction of their own, for the part to which the United States did not assent—but he does deem it his duty to say that when Great Britain proposed an alteration to that of the meaning of which there could be no doubt, and when the alteration was accepted conditionally and under a modification to which she agreed, she was bound to perceive that the modification, thus insisted upon by the other party, was not a mere verbal change in the phraseology of her proposal, but, so far as it extended, a substantial adherence to the original draft of the article.

It is further urged in lord Bathurst's answer, that the construction contended for by the American government is inconsistent with another article of the treaty, for that it would require the restoration of the merchant vessels, and their effects, captured on the high seas, even if they should not be within the limits of the United States at the time of the exchange of the ratifications. The undersigned is not aware how such an inference can be drawn from any thing that has passed between the two governments on the subject. Merchant vessels and effects, captured on the high seas, are, by the laws of war between civilized nations, lawful prize, and by the capture become the property of the captors. It was never asserted by the American government that the stipulation in question could mean that in evacuating the places taken within the territorial jurisdiction of either party, the other should be precluded from carrying away his own property. But as, by the same usages of civilized nations, private property is not the subject of lawful capture in war upon the land, it is perfectly clear that in every stipulation private property shall be respected, or that upon the restoration of places taken during the war, it shall not be carried away, the meaning of the expressions is defined by the subject matter to which they relate, and extends only to the property of the party from whom the place was taken, or of persons under his allegiance. But in the present case it will not be pretended that the slaves whose removal is complained of as a breach of the compact, were the property either of his majesty, of the naval officers in his service who carried them away, or of any of his subjects. They were the property of citizens of the United States; precisely the species of property which it was expressly stipulated should not be carried away: And far from setting up now, as is suggested in lord Bathurst's note, a construction not thought of when the treaty was formed, the American government do but claim the performance of the stipulation in the only sense which could be applied to it at that time. That the British government gave it then any other construction was not only never communicated to the government of the United States, but was impossible to be foreseen by them. When Great Britain had solemnly agreed, without hinting an objection, to the principle of restoring captured slaves, it could not be foreseen that the engagement would be narrowed down to nothing

by a strained extension of them, of a condition limited, by the words of the treaty, to another species of property. It was impossible to anticipate a construction of an important stipulation which should annihilate its operation. It was impossible to anticipate that a stipulation not to carry away *any slaves*, would, by the British government, be considered as faithfully executed by British officers in carrying away all the slaves in their possession.

The undersigned concludes with the earnest hope, that his majesty's government, reviewing the subject in the spirit of candour and of justice, will accede to the proposal which he has been instructed to offer, and make provision to indemnify the owners of slaves which were carried away in contravention to the engagement of the treaty.

He is happy to avail himself of the occasion to renew to lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

13, Craven Street, Feb. 17, 1816.

Extract of a Letter from Mr. Adams to Mr. Monroe, dated London, March 13, 1816.

"I now enclose a copy of the note sent to lord Castlereagh, concerning the slaves taken from Mr. Downman, by the violation of a flag of truce sent by captain Barrie. You will have seen, by lord Bathurst's note, a copy of which was transmitted to you immediately after it was received, that captain Barrie disclaims all knowledge of the fact that the slaves were taken. As it appears, by the documents, that one of the slaves escaped from Bermuda and returned to his master, it may probably be in Mr. Downman's power to furnish many further particulars which may be of essential use in the prosecution of this inquiry: such as the name of the vessel to which they were first sent from the flag—how, and by what vessel, and when they were afterwards sent to Bermuda, and into whose charge they were delivered there—perhaps, even the name of the officer who bore the flag—and whether Jeffery, the surgeon's mate, for whom the flag was sent, was on board the Franklin while the slaves were there—or whether they had already been sent on board another vessel before he embarked? Barrie's statement, and lord Bathurst's note, seem intended to cast doubts upon the very fact of the slaves having been taken."

N. B. A copy of the above was sent to Mr. Downman, but no answer has been received.

Mr. Adams, to the Right Honourable Lord Viscount Castlereagh, his Majesty's principal Secretary of State for the Department of Foreign Affairs.

THE undersigned, envoy extraordinary and minister plenipotentiary from the United States of America, has the honour of inviting the attention of lord Castlereagh to a letter which, on the 7th of October, last, the undersigned addressed to earl Bathurst, in relation to eleven slaves, the property of Raleigh W. Downman, a citizen of the United States, alleged to have been taken and carried away by the violation of a flag of truce, sent by captain Barrie, commander of his majesty's ship Dragon. With this letter were enclosed copies of Mr. Downman's memorial to the President of the United States, representing the facts, and of several other documents to substantiate them; to all which, the undersigned now begs leave to refer lord Castlereagh.

The undersigned had the honour of receiving from lord Bathurst an answer to this letter, acquainting him that captain Barrie himself had been immediately referred to for such particulars as he might be enabled to give upon this subject, and communicating the substance of his report upon this reference.

There are many particulars, in this statement of captain Barrie, which, appearing to have no bearing upon the special object of inquiry, and tending rather to draw the attention from it to other points of discussion, might, with propriety, be left unnoticed, but for the insinuations that they convey. He remarks, for instance, that at the period in question, the violation of a flag of truce was a very tender subject with him, and he refers to a previous correspondence in which he had been engaged with the commanding officer of the United States' forces at Norfolk, on want of respect paid to British flags of truce, upon occasion of one of his own having been fired upon. The undersigned might deem it sufficient to say, that this was not the subject upon which captain Barrie was called for information. As the captain does not recollect the violation by his own people of the flag sent by himself, he did not mean to allege it as a retaliation upon that of which another flag sent by him had been the sufferer. Yet he avows, that if slaves, fugitives from their masters, had been received on board a flag sent by himself, he would not have

restored them to their owners without an express order from his commander in chief—a tenderness for a flag of truce, upon which the undersigned forbears to comment.

Of the particular incident asserted by captain Barrie, the undersigned has no cognizance; but so far as this part of that officer's narrative may be understood as intending an imputation upon American officers or the American government, of disrespect to the sacred character of a flag, the undersigned will only remind lord Castlereagh of the repeated offers made by the government of the United States during the war, and by the American plenipotentiaries at the negotiation of peace, to punish every infraction of the most liberal laws of war, on their part, and to indemnify, as far as possible, every sufferer under them. It was in the power of Great Britain to have accepted these offers, on the single condition of reciprocity. The correctness of two of the documents transmitted by the undersigned to lord Bathurst, and marked A, and B, is admitted by captain Barrie. He declares that he never received the document marked D, a circumstance acknowledged in Mr. Downman's memorial, and accounted for by the statement, that before a vessel could be procured to bear the flag with this letter, the British vessels had left the Chesapeake.

With regard to the violation of the flag of truce, and the taking and carrying away of the slaves, captain Barrie states, in general terms, that he has no recollection of any slaves ever having been received on board *any* flag of truce, during the time he was entrusted with the command of the Chesapeake squadron, and that if such a circumstance did occur, it was without his knowledge or authority.

The fact of the violation of the flag, and of the taking and carrying away of the slaves, is testified in the papers transmitted to earl Bathurst, by the depositions, upon oath, of four witnesses, and his majesty's government did not consider the transaction as duly investigated, or that justice had been done to the complaining party, merely because captain Barrie had stated the fact not to be within his recollection or knowledge. It was mentioned in lord Bathurst's note, that a communication would forthwith be made to admiral Cockburn, for the purpose of obtaining further information upon the subject, with which, it is added, he must have been acquainted, as it appears that he had arrived in the Chesapeake before the surgeon's mate was restored.

The undersigned can urge no objection to any source of information to which his majesty's government may deem it expedient to resort, for ascertaining the facts to their own satisfaction. But he thinks it proper to suggest, that there are other sources which might also tend to the elucidation of the facts. Perhaps captain Barrie could indicate the name of the officer by whom he sent the flag. Mr. Jeffery, the surgeon's mate, whose restoration was the object of the flag, and who actually returned with it, might give some light upon the subject. The captain and officers of the Havana, must be supposed to know something of the affair. But independently of the recollection of all officers, themselves so materially and so pointedly interested in the result of the inquiry, from the documents transmitted by the undersigned, it appears that one of the slaves *made his escape* from the island of Bermuda and returned to his master. Information respecting the others might, then, be easily obtained by the British government from Bermuda. That the slaves were taken, the undersigned believes cannot admit of a doubt. How they were disposed of, is a question interesting to the solicitude which his majesty's government have felt upon an allegation which has been considered as implicating the character of British officers. The violation of a flag constitutes, in this instance, an aggravation which seems to call, with peculiar energy, for a complete and unequivocal investigation. The undersigned is persuaded, that his majesty's government will feel it to be due to the complaint of the individual, to the honour of their officers, and to their own sense of justice.

He has the honour of renewing to lord Castlereagh the assurance of his high consideration.

JOHN QUINCY ADAMS.

13, Craven Street, March 12, 1816.

Extract of a Letter from Mr. Adams to the Secretary of State, dated London, March 30, 1816.

"I HAVE the honour to enclose copies of a note which I have received from lord Castlereagh, with a report from sir George Cockburn to the secretary of the admiralty, Mr. Croker, concerning the taking and carrying away of Mr. Downman's slaves. You will not fail to perceive that the admiral, like captain Barrie, disclaims all knowledge of the transactions whatever, and that the effort and ten-

dency of both their letters is to excite doubts with regard to the truth of Mr. Downman's statement in his memorial to the President. I have no doubt it will be easy, and beg leave to suggest it may be very important to Mr. Downman, to furnish additional evidence of the facts, and particulars which may lead to the disclosure how and why the transportation, in broad day, of eleven slaves, to the British squadron, and by them to Bermuda, could be effected without the knowledge of either of the British commanding officers."

Foreign Office, March 26, 1816.

THE undersigned has had the honour of receiving Mr. Adams's note of the 11th instant, respecting the slaves asserted by Mr. Downman to have been carried away from his estates by a flag of truce, contrary to the usages of war.

The undersigned has now the honour of transmitting to him a report which has been recently received from rear admiral sir George Cockburn, and as soon as the further reports which the admiral has promised to make upon the arrival of captain Hamilton at the anchorage off St. Helena, shall be received, the undersigned will not fail to communicate it to Mr. Adams, being not less anxious than himself upon a case in which a flag of truce is stated to have been violated.

The undersigned begs to renew to Mr. Adams the assurance of his high consideration. CASTLEREAGH.

John Quincy Adams, Esq. &c.

Northumberland, St. Helena Roads, Feb. 9, 1816.

SIR,—With reference to Mr. Barrie's letter, No. 15, of the 3d of November, and its enclosures respecting certain slaves stated to have been carried away from the American shore, within the Chesapeake, by a British flag of truce in the month of December, 1814, I lose no time in begging you to acquaint their lordships that I have no knowledge whatever of such transaction, nor is mention made of any such in my various documents of that period, though his majesty's ships then in the Chesapeake, and on the adjacent coasts, were all acting under my immediate orders, and, consequently, made all their reports to me.

Mr. Downman's memorial to Mr. Madison induces me,

however, to mention to their lordships that from my first entering the Chesapeake, in March, 1813, until the conclusion of the war, the said inland navigation was never left without several of his majesty's ships; and when I quitted it in December, 1814, with a part of the squadron, I left there three frigates and two sloops under the orders of captain Clavelle, of the Orlando, with whom communications from the land were held by means of flags of truce, from one extremity of its shores to the other, as will appear by two of the paragraphs extracted from letters I received about the same period from that officer, (herewith enclosed,) and the first paragraph will show (in reply to a part of colonel Chawning's letter, that it was not uncustomary to trust the tender in question (which was the one attached to and manned from the Havana) up the Rappahannock river with hostile views. After the proclamation which was issued on this subject, the slaves were constantly coming at all risks to our ships, tenders, and boats, &c. for protection, which occasioned our squadron to be visited by Americans under flags of truce, asking the restoration of these unhappy people under various pleas, and I cannot help thinking that if the transactions in question had *really* taken place, as set forth by Mr. Downman, it would have come before me either through captain Clavelle, or through some other channel, previous to quitting the station, as I continued not only upon the coast, but *actually on shore in America* until after the ratification of the treaty of peace, and was to the last in the habit of receiving letters on such subjects from all parts of the country, Washington not excepted.

The Havana being now upon this station, and it being possible that some of the officers and people who were in the tender may be still on board the frigate, I will, whenever she returns to this anchorage, cause captain Hamilton to make every inquiry and report to me thereupon, and I shall not fail to transmit to their lordships by the earliest opportunity afterwards, at which time I will also return the several papers which have been transmitted to me referring thereto. I have the honour to be, &c.

GEORGE COCKBURN.

Extract of a Letter from John Quincy Adams, Minister Plenipotentiary of the United States at London, to the Secretary of State, dated London April 15, 1816.

“SINCE this interview with lord Castlereagh I have re-

ceived from him a note respecting the slaves carried away from the United States after the ratification of the peace. A copy of it is enclosed ; to reply to it at present would be to no purpose. I shall wait for your further instructions."

*Copy of a Letter from Lord Castlereagh to Mr. Adams.
April 10, 1816.*

THE undersigned has the honour to acknowledge the receipt of Mr. Adams's note of the 17th of February, claiming, on behalf of the United States, all such slaves belonging to their citizens as had been carried away by the naval commanders of the British forces, from places within the United States, subsequently to the peace between the two countries.

The grounds upon which his majesty's government felt themselves compelled to withhold their acquiescence in the claim of the United States, as preferred in Mr. Adams's former note of the 9th of August, have been already fully explained by lord Bathurst in his communication of the 2nd of October : It does not, therefore, appear to the undersigned to be requisite again to discuss at any length the construction of the first article of the treaty of Ghent. Agreeing entirely in the arguments urged by earl Bathurst on this subject, the undersigned can never admit that construction of the article to be the true one which would apply to the restoration of slaves a different rule from that applicable to private property ; or which, admitting that the restoration of private property, slaves inclusive, is to be subjected to some limitations, applies to it a different degree of limitation from that conveyed in the words immediately preceding.

His majesty's government have always been ready to admit the most liberal construction of the article in question. They have never pretended to resist the claim of the United States to indemnification for slaves or private property belonging to their citizens, which can be proved to have been in places directed to be restored by the treaty of Ghent, at the date of the exchange of the ratifications and to have been afterwards removed. But they do and must ever deny that the United States can have any claim to property not actually in the places which, by the stipulations of the treaty, were to be restored at the time specified therein, because such a claim is utterly inconsis-

tent with the provisions of the treaty, and is equally unsupported by any thing which passed in the discussion of that treaty, or even by the original projet of that treaty as offered by the American negotiators.

That projet, indeed, required that the places should be restored without carrying away any private property. If it had been then intended to provide for the restoration of all private property originally captured in the places, instead of prohibiting its removal, the article would have positively enjoined the restoration. What had been previously removed could not become the subject of the prohibition, for not being in the place to be restored, it could not be carried away. Under this projet, therefore, a removal previous to the ratification of the treaty, was admitted to bar the claim of the United States, without reference either to the distance to which the property had been removed to, the actual state of the property, whether on ship board or on British territory, or to the length of time which had elapsed since its removal.

The undersigned, therefore, considers it impossible to maintain that the insertion of the words, "originally captured in the said places which shall remain therein upon the exchange of the ratifications of this treaty," (words which must be admitted, at least, of a restrictive nature,) can have given to the original proposition of the American plenipotentiaries a greater latitude than it originally possessed.

The undersigned trusts that the government of the United States will, upon these considerations, not be disposed further to urge the general claim to indemnification which was the subject of Mr. Adams's former notes. Animated with a sincere disposition to act towards all powers with the strictest justice and good faith, his majesty's government will be most happy to attend to any representation on the part of the United States which may have for its object the restoration or indemnification for the loss of property of her citizens actually removed from places within the territory of the United States, subsequent to the ratification of the treaty of Ghent. But, at the same time, the undersigned cannot consider any property which had been, previous to the ratification of the treaty, removed on ship board, as property forming a subject of such representation.

The undersigned begs to renew to Mr. Adams the assurances of his high consideration. CASTLEREAGH.

Extract of a Letter from the Secretary of State to Mr. Adams, dated May 21, 1816.

“SHOULD the British government persevere in its construction of the first article of the late treaty of peace, respecting slaves carried off in violation, as we presume, of its obvious import, the President is willing to refer the question to the decision of some friendly power, which you will propose. A reference is suggested, by provisions in the treaty, applicable to anticipated differences in other instances; indeed, where such differences exist, no better mode can be adopted for settling them in a satisfactory manner. In this instance, the interest is too important to be neglected. It is impossible that the opinion of the British government can be more decided than that of the United States. There is no reason, therefore, why the United States should yield to the opinion of Great Britain, more than that Great Britain should yield to that of the United States.”

Extract of a Letter from Mr. Adams to Lord Castlereagh, dated Sept. 17, 1816.

“4th. SLAVES, carried away from the United States by British officers after the peace.

“As the construction given by his majesty's government to the first article in the treaty of Ghent, in reference to the slaves carried away from the United States, by British officers, after the ratification of the peace, is so directly at variance with the construction which the American government think alone applicable to it, the undersigned has been further instructed to propose, that this question should be submitted to the decision of some friendly sovereign. This reference is suggested by provisions in the treaty of Ghent itself, applicable to the contingency of differences in other instances; and it is conceived, that when such differences exist, no better mode can be adopted for settling them in a satisfactory manner.”

Viscount Castlereagh to Mr. Adams. Sept. 28, 1816.

SIR,—I very much regret that the absence from London,

at this season of the year, of several of the Prince Regent's ministers, will preclude me from returning as early an answer to your note, of the 17th, as I should wish, under the sense I entertain of the great importance of the several objects to which it invites the attention of this government.

I have myself obtained the permission of the Prince Regent to make a short excursion to Ireland, on my private affairs ; but I shall certainly return to London by the middle of November, and shall lose no time as soon after that period as my colleagues shall be reassembled, to bring the various objects referred to in your note under their deliberation.

I request you will accept the assurance of the high consideration with which I have the honour to be, &c.

CASTLEREAGH.

John Quincy Adams, Esq. &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE SENATE, RELATIVE TO CORRESPONDENCE WITH SPAIN. FEB. 22, 1817.

I TRANSMIT to the Senate a report of the Secretary of State, complying with their resolution of the 20th instant.

JAMES MADISON.

REPORT.

THE Secretary of State, to whom was referred the resolution of the Senate of the 20th instant, requesting "the President to lay before the Senate a copy of the correspondence between the government of the United States and the government of Spain, relative to the subjects of controversy between the two nations, except such part as he may deem improper to disclose," has the honour to submit to the President the accompanying papers, marked A, B, and C, as containing the information which is supposed to be wanted. All which is respectfully submitted,

JAMES MONROE.

Department of State, Feb. 22, 1817.

(A.)

Copy of a Letter from the Secretary of State, to the Chevalier de Onis. Department of State, Jan. 14, 1817.

SIR,—Having understood, in our late conference, that you would not agree to an arrangement, by which Spain should cede her claims to territory, eastward of the Mississippi, unless the United States ceded their claims to all the territory westward of that river, and that even then, your agreement would be restricted to a recommendation to your government, to adopt an arrangement to that effect; it is deemed unnecessary to make you any further proposition, or to prolong the negotiation on the subject of limits.

I have now to request that you will have the goodness to inform me, whether you are willing to enter into a convention to provide compensation for spoliations, and for the injury resulting to the United States, from the suppression of the deposite at New Orleans.

I have the honour to be, &c. JAMES MONROE.

TRANSLATION.

Mr. Onis, to the Secretary of State. Jan. 16, 1817.

SIR,—I have received your official letter of the 14th inst. in which, you are pleased to make known to me that, having understood, in our last conference, that I would not accede to an arrangement by which Spain should cede her pretensions to the territory east of the Mississippi, if the United States did not relinquish theirs to the west of that river, and that even in this case my accession would be limited to recommending to my government the adoption of this project, it appeared to you useless to make me more propositions to prolong the negotiation on the subject of limits between the two governments; and you only desired to know, if I was disposed to sign a convention to provide compensation for the injuries occasioned to the United States by the cruisers of his majesty in the late war, and for those which resulted to the United States from the suppression of the deposite at New Orleans.

In answer to this letter you will permit me to observe, that in the conference referred to, I had the honour to exhibit to you the full powers of my sovereign, in which, he authorizes me to negotiate, adjust and sign, a treaty or convention with the United States, in which should be ar-

ranged, not only the indemnities due to the subjects and citizens of both nations, for the injuries they had suffered from the last war between his majesty and Great Britain to the present, in contravention of the law of nations and the existing treaty between the two powers, but also to fix the respective limits to the satisfaction of both. The intention of his majesty, (and in this I believe the two governments agree,) is not confined to a partial arrangement, which might leave in existence the disagreements which have unhappily arisen between them from the effect of circumstances. His majesty, fully convinced that no treaty or convention can be durable, unless it is founded in equality and mutual convenience, has particularly directed me, that, keeping in mind the reciprocal, political and commercial interests which unite the two nations, I should so adjust the definitive arrangement with the person whom the President should authorize to that effect, that no controversy could ever again arise between them.

I cannot conceal from you, that to arrive at this end, it is indispensable to begin by amicably discussing and agreeing upon the rights of each of the two powers, and that the result of this discussion is what ought to guide us in arranging the indemnities and fixing the limits which may be just and mutually convenient to the two nations. You had the goodness to say to me that this method had been adopted by you and Mr. Cevallos, and that if we renewed it, precious time would be lost without our being able to agree. In such a dilemma, and anxious to contribute on my part to accelerate the negotiation, I took the liberty to propose to you the only other method which appeared to me to exist, besides the one which I have just mentioned, to arrange these differences, which is this: That the two powers, throwing off all idea of aggrandizement, and sacrificing resentments and complaints of little importance, should proceed, with good faith, to fix limits between them which should be mutually convenient, which should not be liable to controversy, or be unknown to, or violated by, the respective subjects of each.

You did me the honour to applaud a proposition so frank and liberal, as dictated by equity and good faith—and made known to me, with the same frankness, that the United States desired to unite to its dominions all the territories which belong to Spain to the east of the Mississippi; and that for them, they would offer to Spain those

which were between the Rio del Norte and the Colorado. But, as not only these lands, but all those which lie between the Colorado and cape North, drawing a line by the river Mermento, or Mermentao, towards the Presidio of Adais, and from thence by the Arroyo Onda towards Natchitoches, are a part of the province of Texas, belonging to, and in the uninterrupted possession of, his majesty, without there having been, in relation thereto, any dispute between France and Spain, that dispute being solely as to Natchitoches, which fort the French raised, unjustly, in the territory of his catholick majesty; it results that this proposition not only does not offer compensation to his majesty for West and East Florida, whose cession the United States intimate would be very agreeable to them, but it involves the relinquishment of the property and possession which his majesty has of the territory in the province of Texas, which lies between the Colorado and the vicinity of Natchitoches.

To propositions so distant from the equality and reciprocal convenience in which we have agreed to treat these affairs, I answered, that as the powers of his majesty had been hastily sent to me by Mr. Cevallos, to take advantage of the departure of Mr. Brent, I have not received express instructions touching the entire cession of the two Floridas which the United States wished, and although they prove to me the desire of his majesty to accommodate them in all arrangements which may be compatible with his interests, I saw myself obliged to wait for instructions on this point, of so much the greater importance, as it relates to the cession by his majesty to the United States of the port of Pensacola, which was the key of the gulf of Mexico, the best port of that gulf, and which was the more necessary to his majesty for the security of his possessions; but that, in the mean time, if you should propose to me, on the part of this government, to make the Mississippi the frontier, I should see in that proposition a disposition on the part of the United States to offer some equivalent, and I would recommend it to the consideration of his majesty as a fixed and stable limit to assure the peace and tranquillity of the two nations.

I hope that you will recognise in this exposition the sincerity and ingenuousness with which I proceed, and that you will, on a view of it, adopt, of the two modes proposed for setting on foot the negotiation, that which will

be most agreeable to the United States. The first, that is to say, that of discussing and agreeing upon the reciprocal rights and pretensions of the two nations, is the safest, and that which ought to conduct us, with the greatest precision, to the indemnities and to the establishment of limits between them, since nothing is more easy than that, each point of justice being agreed upon, the equivalent to it should be arranged upon principles of equality and reciprocal convenience. The second is shorter, but it requires a relinquishment of all views of aggrandizement on both sides, and that each government, adopting as a basis the *uti possidetis*, either of the year 1792, which is the one fixed on by the allied courts in the general pacification for the recognition of the right of property in their possessions, or that of the year 1763, after the conclusion of the treaty of peace between Spain, France, and England, in which treaty the limits of their provinces were fixed, and the two Floridas were separated, the East from Spain, and the West from France, by transferring them in full sovereignty to England, they may come to a just and friendly understanding, so as to do away these disagreements. I am ready to discuss with you in the first mode just referred to. I am, also, ready to treat with you by adopting the second: and I flatter myself that I shall, in either case, give you proofs that I will not depart from what is due to justice, equity, and the mutual convenience of the two nations. I renew to you, &c. LUIS DE ONIS.

Copy of a Letter from the Secretary of State, the Chevalier de Onis. Department of State, Jan. 25, 1817.

SIR,—I have had the honour to receive your letter of the 16th, in reply to mine of the 14th of this month.

It having been the invariable desire of the United States, to settle all differences with Spain, on just and fair conditions; it is seen with much regret, [that a similar disposition is not manifested on the part of your government.

Finding by your letter, that I had distinctly understood the views of your government, as explained by you, in our late conference, and stated in my last letter; and perceiving also, that you still adhere to those views, which, being altogether inconsistent with the rights of the United States, are inadmissible; I have to repeat, that this govern-

ment has no motive to continue the negotiation, on the subject of boundaries.

In making this frank declaration, I cannot avoid expressing my surprise, that you should now find it necessary to refer again to your government, for instructions on any part of this subject. These differences have long existed, and as far back as 1805, were fully discussed, as you readily admitted, in every circumstance, appertaining to, or connected with them, in a special mission to Madrid for the purpose. It was hoped and expected on the restoration of the diplomatic intercourse between the two nations, that you would have been invested with full power to settle them; and, it was in accord with your views, when this was found not to be the case, that the requisite authority was given to the minister plenipotentiary of the United States at Madrid. It could not have been doubted, as your government had not authorized its minister here, to bring these controversies to a conclusion, that the minister of the United States would have been promptly met in his offers to effect it at Madrid. I need not repeat to you the great disappointment which the President felt, when, after the lapse of so much time, he was informed, than an expression of regret in my letter to you of the 10th of June, at the delay resulting from your want of powers, and from the necessity of transferring the negotiation to Madrid, had been misconstrued into a desire that it should be transferred again to the United States. On examining however, the tenour of your commission, and the communications between Mr. Erving and Mr. Cevallos, both of which seemed to contemplate a prompt conclusion of the business here; the idea now brought forward in your letter, of a further resort to your government for other instructions, was surely the last to enter into the anticipations of this government.

It is proper to add, that I understood you to conceive in our late conference, fully with me, in the sentiments, that any further discussion of subjects, which had been already so often discussed and completely exhausted, would be useless, since it could not be presumed that any change of opinion, on any point, would take place on either side. Each party understands its rights, and has, doubtless, made up its mind as to the conditions it is willing to adopt. To those suggested by you, as being worthy the consideration of your government, this government cannot agree.

Under these circumstances, I have again to request that you will do me the honour to inform me, whether you are willing to conclude a convention, to provide indemnity for spoliations, and the suppression of the deposite at New Orleans, as mentioned in my last letter.

I have the honour to be, &c. JAMES MONROE.

TRANSLATION.

Mr. Onís to the Secretary of State. Feb. 10, 1817.

SIR,—I have received the official letter which you did me the honour to address to me, under the date of the 25th of last month, stating that, notwithstanding the desire the President had to adjust all differences between Spain and the United States on just conditions, and to their mutual convenience, it was seen, with great regret, that a like disposition was not manifested on the part of Spain.

You support this opinion on the ground that I adhere to the same sentiments which my government manifested in former times; and also, that the President, seeing the powers with which his majesty had been pleased to honour me, could not comprehend why I should think it necessary to recur to my sovereign to obtain new instructions. You will permit me to observe, that the number of privateers armed in the ports of this country, to cruise under an unknown flag against Spanish commerce, have obstructed in such a manner the communications between the peninsula and these states, that the accidental circumstance of Mr. Brent's having taken charge of the duplicates of his majesty's powers, has alone obtained for me the receipt for them, and that I am even yet without the originals: with which, doubtless, his majesty sent me instructions, and communicated to me his reasons for transferring the negotiation here. I can assure you that I am entirely ignorant of what has passed in Madrid between Mr. Erving and Mr. Cevallos, and that I am not less so of the motives which have induced his majesty to transfer the discussion here, notwithstanding I had informed him, that I had myself proposed to you that authority and instructions should be given to Mr. Erving in relation to it, it being clear to me, that his majesty desired nothing with more anxiety than to see an affair terminated, which must be the precursor of the reciprocal intimacy which should be established between the two governments, for the mutual benefit of their respective subjects and citizens.

If I might be permitted to conjecture the motives which have induced his majesty to transfer the negotiation here, I believe I should not mistake in designating, as the principal one of them, the knowledge his majesty has of your talents, of your justice, (justificacion) and of the conciliatory disposition which you manifested in your conferences with Mr. Cevallos, to concur in the settlement of these discussions; and, as the second, this: that, in the moment of the arrival of the queen, his august spouse, and of the festivities incident to this happy event, his majesty could not give the attention which was requisite to these affairs, which he considered of the first importance. You are too just not to appreciate these motives, and not to see in them any thing but a new proof of the anxiety of his majesty to avoid all delay or inactivity. The President, informed by you of these motives, will, I flatter myself, form the same opinion, and see the necessity of my waiting for the necessary instructions from my sovereign, before I subscribe to the points which ought to form the basis of this treaty. The short delay which may result from this, will be amply compensated for, and with mutual advantage, if you would place me in a situation to inform my government of the principal points on which the government of the United States wish to see this negotiation turn. You know that as yet you have only made known to me, in our first conference, that if we were to go into a discussion of the rights of the two powers, as was done by you and Mr. Cevallos, much time would be lost, and each of us would retain his opinion. You know that I agreed to this; but at the same time intimated, that I saw no other more certain mode of accomplishing the object which the two powers had in view, since it must be with a knowledge of the respective rights of each party that we ought to begin in fixing the indemnities and compensations, which belonged to each, on the principles of equity, justice, and convenience; and that the only way of avoiding this, and of shortening the negotiation, would be, that the two powers, giving up all pretensions and all idea of rivalry or aggrandizement, should agree between themselves, in good faith, to fix their limits according to equity, justice, and mutual convenience, so that they should not be liable to be violated by the subjects of the one or the other, and in a way to avoid the renewal of the complaints which had given rise to misunderstandings. You approved an idea

so liberal, so generous, and so demonstrative of the disposition of the king, my master, to accommodate the United States in whatever might be agreeable to them, if not incompatible with his interests; and, in consequence, you made known to me, that the United States wished to unite to their dominions the two Floridas. As, in the former negotiations, the cession of West Florida, to the Rio Perdido, was alone spoken of, and as his majesty was ignorant of the new desires of this government, I said to you, that although I did not positively know whether his majesty would deprive himself of East Florida, and of the important port of Pensacola, which was the key of the gulf of Mexico, yet the desire of his majesty to gratify this government was great, and that it was very probable he might agree to do it, provided that on the part of the United States, there should be offered to him a just equivalent, and one of reciprocal convenience.

I leave to your impartiality and justice, and to that of the whole world, to say, if, on the part of his majesty, a more positive proof is wanting of the interest which he takes in arranging these affairs in a friendly manner, and if I should not find myself more authorized to doubt of equal dispositions on the part of the United States, in consequence of the proposition which you made me, not only of not giving any thing in exchange for the two provinces, and the cessions of which the United States desire, but requiring that his majesty should cede to them a part of another, which has been in the uninterrupted possession of his majesty for more than two hundred years.

I am, nevertheless, very far from judging it thus. A firm and permanent arrangement of all points of difference, is equally useful and necessary to both nations. It ought to fix the basis of the happiness of their respective subjects and citizens; and, to obtain this, it ought necessarily to be founded in justice, equity, and mutual convenience. His majesty is disposed to conclude it on these terms; and he has too much confidence in the well known rectitude of this administration to think that it could solicit it on other terms.

You are pleased also to inform me, in your esteemed note, that to the propositions which I have suggested, as worthy of the consideration of my government, that of the United States cannot agree; and that, abandoning the arrangement of limits, you desire only to know if I am dis-

posed to sign a convention for settling the injury sustained by the American commerce, and for the suppression of the deposite at New Orleans.

As the propositions which I have made to you were confined solely to the leaving to your election whether we should treat, by discussing and fixing in a friendly manner the respective rights of each power, to the end that, having agreed to them, and the obligations of each upon the other being known, the compensation to which each may be entitled might be settled ; or that, leaving things to remain in the state they were, we might agree in a friendly manner as to what would suit each. I cannot conceive that the United States should be of opinion that they cannot agree to any of these points.

I would offend my own delicacy if, after being assured by you that the United States were disposed to terminate all the differences which exist between the two nations by a treaty founded on justice, equity, and mutual convenience, I could believe that the United States would repel the only means which, in my opinion, exist to arrive at this end. I judge, then, that I have not explained myself with sufficient clearness, or that I have not well comprehended you ; and I again renew my propositions in a plain, clear, and demonstrative manner, giving you an example which you cannot but find just.

Let us suppose (and it is a very proper supposition) that you and I are intimate friends ; you have purchased an estate adjoining one of mine ; (I do not now inquire whether you purchased it from a person who had a right to sell it or not—but you purchased it ;) and be it because some officious person said so, or because you thought so, you were of opinion that there was included in this purchase a part of my estate which I worked, took care of, and possessed. As soon as you had made this purchase, and observed that possession was not given you of the land I worked, and which you believed to belong to you, you asked me to give it up to you. I observed to you that it was mine, that the land which you had purchased had also belonged to me formerly, that I had ceded it to him who had sold it such as he had delivered it, and in no greater extent ; and that, consequently, he could not transfer to you more than I had given to him. You and I refer to the seller, and he tells us that he never sold the land to you which you require, and never obtained it from

me, nor had an intention of acquiring it. Notwithstanding this declaration, which is decisive and irrevocable, I, from motives of friendship for you, and to do away all doubt on the point, propose to you that we should discuss the affair in a friendly manner, and assure you, that if you present to me unquestionable documents to prove that it belongs to you, I am ready to give it up. I ask you, dispassionately, if this proposition could be considered as inadmissible? I go further. I, who am anxious to accommodate you because you are my friend and a good neighbour, knowing that you desire to get part of my territory to round out yours, and to facilitate the exportation of your produce, as there is a navigable river passing through it, carry my friendship and condescension so far as to say to you, that we will agree between ourselves, by a friendly investigation, what belongs to each; and, this being settled, I am ready to cede to you the lands you desire, for an equivalent founded in equity, justice, and reciprocal convenience, fixing the limits between us in such a way that our servants should not engage us in quarrels and contests, as it being our desire to live in the greatest harmony, we were equally interested in avoiding every subject of difference. Will you say to me that these friendly propositions are inadmissible? I believe not. Such, then, neither more nor less, are those which I have suggested to you in my former official note, and renew to you by this, hoping that, taking them into serious consideration, you will view them as just, equitable, and even generous.

You cannot but know that the convention you propose, limited to the indemnification for injuries done to the American commerce, by the cruisers and tribunals of Spain, and by the suppression of the deposite at New Orleans, will not accomplish fully the object which the two nations propose to themselves, of extinguishing all disagreements. Nevertheless, to give another proof of the deference of his majesty to the wishes of this republick, I agree to enter into negotiation with you on these two points, and to conclude a convention as to them, in which shall be embraced the just reclamations which his majesty shall produce against this government, and the various arrangements he desires to place in it for the encouragement of the commerce between the two nations, and to avoid injuries such as those, which, from the want of explicitness in the last

treaty, have been experienced by the respective subjects of both. I will add more, and it is, that the first point to which you refer, being founded in the treaty which exists between the two nations, I will subscribe to it without difficulty; and as to the second, it is of so small an amount, that if I do not succeed in demonstrating to you that these injuries have not existed, or that they are much exaggerated, and that the United States have already admitted that they were satisfied for them, I will have no difficulty even as to them. I ought, likewise, to observe to you, that it will be easy to include in this same convention or treaty, a provisional arrangement of limits, without detaining us fix them with exactitude. If the United States do not desire to make an essential change in the established limits, fixed by the treaties of 1763, 1764, 1783, 1795, and 1800, and that this arrangement should only apply to the uncultivated lands to the north of the Missouri, the boundaries of which were never settled between France and Spain, this question might be left for commissioners, named by each party, and their decision might be considered as part of the convention: but, in any case, the most efficient method of concluding these affairs will be, that you should have the goodness to say to me, with frankness, what are the real views of the United States, what are the real and true compensations they are disposed to offer for the country they desire to obtain from his majesty. You may be assured that I will support, earnestly, proposals that are just and reciprocally convenient, and that, on the return of the courier, I shall be able to sign, under the powers I now have, a treaty mutually satisfactory to both parties, we, in the meantime, agreeing upon all the articles of minor considerations. You cannot but know that the instructions ought to be adapted to the greater or lesser territory of his majesty which the United States may desire to add to their dominions; and that if they desire none, little difficulty can occur on the subject of indemnities between two powers animated by conciliatory and just sentiments.

I renew to you my respects, &c. LUIS DE ONIS.

Copy of a Letter from the Secretary of State to the Chevalier de Onis. Department of State, Feb. 20, 1817.

SIR,—I have had the honour to receive your letter of the 10th instant.

From full consideration of the contents of this letter, it appears, that although you expect instructions at an early date, to negotiate and conclude a treaty, for the adjustment of all differences between the United States and Spain, which you manifest a desire to accomplish, you do not consider yourself authorized to do so on any one point, at this time. I will thank you to state whether I have understood correctly the idea which you intended to convey. In case I have, I have only to remark, that although the delay is particularly to be regretted, it is not perceived, that any advantage can be derived from entering into the negotiation, before you have received your instructions. I have the honour to be, &c.

JAMES MONROE.

Translation of a Letter from the Chevalier de Onis to the Secretary of State. Washington, Feb. 21, 1817.

SIR,—In the official letter which you did me the honour to direct to me yesterday, you state that you had taken into consideration the contents of mine of the 10th instant, and confining yourself to one point only out of many on which it touches, of the greatest importance, as I think, to the interests of both nations, you say, that if you had correctly understood the meaning of my letter, at the same time that I manifest a desire to conclude a treaty for the adjustment of all the differences existing between Spain and the United States, I do not consider myself authorized to do so, until I receive the instructions from my sovereign, of which I am in daily expectation. You ask me if this is the true idea which I had wished to give you, and add, that if it is, although we must both lament the delay, it is not perceived that any advantage can be derived from entering into the negotiation until I receive my instructions.

In my note above mentioned, I made known to you, with the candour and sincerity which characterize me, the causes to which I attributed the delay in receiving the instructions consequent on the powers which his majesty had given me; and I do not doubt that the President will have found them as just, as the reasons I stated to you demonstrating that a partial negotiation, which did not embrace all the points of disagreement between the two nations, cannot accomplish the one or the other—which is to get clear of these disagreements, and to take care

that they are not renewed in future. The treaty in question ought to provide for the just reclamations of the subjects and citizens of the respective parties: in it the limits between the two powers should be fixed agreeably to their respective rights, to equality, to justice and reciprocal convenience. Finally it ought to comprehend different stipulations analogous to the new state of relations of intimacy which is about to be established between the two governments for the greater encouragement of their reciprocal commerce. You know that all these points have so intimate a connexion with each other, that it is not easy to separate them; and on the other hand they are of such importance that I consider it necessary to wait the arrival of my instructions before I conclude definitively a treaty involving affairs of such magnitude. Nevertheless, as we cannot but feel this delay very sensibly, which most probably will be short, anxious on my part to lessen it so far as depended on me, I have suggested to you that we might begin to discuss the points of least importance, to the end of having the work in a state of forwardness when the instructions should arrive; but since you prefer waiting for their arrival, I will agree to what you may resolve on; persuaded that you do not take less interest than I do, in fixing the relations of amity between the two countries on a footing the most solid and durable.

LUIS DE ONIS.

(B.)

Translation of a Letter from Mr. Onis to the Secretary of State. Philadelphia, Feb. 22, 1816.

SIR,—The letter with which you honoured me on the 19th of last month, in answer to mine of the 30th December and 2d January, had two objects. The first to make known to me the complaints which this government considers itself as having against Spain, for a long time past. The second to communicate the resolution of the President on the three points embraced in my notes mentioned above.

You state that the President would have wished that I should not have confined myself to bringing forward the complaints of his majesty, but should have likewise proposed a reparation for those of the United States against Spain.

The claim for damages and injuries, of which you speak, would have been definitively arranged and settled,

if the diplomatic relations between the two powers, had not been interrupted since the memorable epoch of 1808 ; and this government cannot but know, that this interruption ought not to be imputed to Spain. His majesty having made, from that time, the greatest efforts to maintain them pure and unaltered.

I have assured you verbally and in writing, that his majesty desired nothing so anxiously, as to satisfy the United States for every injury they may have received from Spain, and to proceed to give this satisfaction with that generosity and high sense of honour which have at all times distinguished the Spanish character, and which have always shone conspicuously in the conduct of the government of the king my master : but all these points, as being anterior to the epoch I have mentioned in my notes, and since then pending between the two cabinets, ought to be the object of a particular negotiation ; and nothing is more natural or more conformable to justice and good faith, than that, for facilitating this very negotiation, the state of things between the two nations, should be reduced to the same footing on which it was at the epoch referred to, since, from that time, there has neither been any official correspondence between the two governments, nor have the United States received the least injury from Spain ; and if they have received any, it has been contrary to the will of his majesty, and without his knowledge. Of this class, without doubt, is that which you mention in your note above cited, that is, that British troops and agents had been introduced into Florida, and had communication with the Indian enemies of this republic in its last war with Great Britain. The rigorous neutrality which his majesty has observed in the island of Cuba, East Florida, and his other possessions, ought to convince the President, that the governour of West Florida (who is, I suppose, the person to whom you allude) had like orders with the other chiefs, to observe the most strict neutrality, and if he has failed in obeying them, he would have been severely chastised, had you have given to me the least intimation as to his conduct.

I will now pass to the second object of which your letter treats ; that is to say, to the resolution which this government has taken on the three points stated in my letters of the 30th December, and 2d January.

The first was confined to a request that in conformity

to the principles I have stated; that is, that the affairs between the two nations should be placed on the same footing they were before the interruption of the diplomatic relations between them, his majesty should be put in possession of that part of Florida, which the troops of this Union had occupied. You were pleased to state in reply that this government, believing that it had a well founded right not only to the part of West Florida which their troops had occupied, but to a greater extent of territory, comprehended in the limits of the vice royalty of Mexico, had judged that with the same propriety that the king, my master, occupied those possessions, the United States might retain that part of West Florida they held, until it was decided by a friendly convention to whom it belonged.

Permit me to observe that there is no parity in the cases. The country to which you allude, extending to the Rio Bravo, or del Norte, has been under the dominion of Spain, not only before and since France ceded Louisiana to his majesty by the treaty of 1764, but from the time of the discovery and conquest of Mexico, without ever having passed by treaty to any other nation: whereas the Floridas ceased to be a French or Spanish possession and passed into the hands of England, under the name of East and West Florida, in the year 1763. They remained under the power of his Britannick majesty, as such, until the year 1783, when, by conquest, the Spanish arms, and by solemn treaty, they passed under the dominion of his catholick majesty. From this you will infer that, be the interpretation which may be wished to be given to the treaty of *retrocession* of Louisiana made between France and Spain in 1800, what it may, the two Floridas can never be directly or indirectly included in it; first, because these provinces being in the legitimate possession of England from the year 1763 to the year 1783, France could not cede them to Spain by the treaty of 1764—nor Spain retrocede them to France, not having received them from her, unless there should have been an article on this point in which express and direct mention was made of the cession; and secondly, because the two contracting parties, (Spain and France,) have declared in the most solemn manner, the first, that she did not cede to France any part of the Floridas—the second, that she had not acquired them by the treaty of St. Ildefonso, or of *retrocession* of 1800; nor had had the least intention to

set up a claim to them. You know very well, that according to all the acknowledged principles of justice, no one can be put out of the possession of what he holds, until the right of the person who claims it shall be proved and recognised; and that, by a natural consequence of this principle, Spain having been in possession of West Florida when the United States laid claim to it, it is proper she should keep it until this republick shows a better right—which ought to be done in a friendly negotiation between the two powers; and that it would be anticipating the negotiating to begin by taking possession of the territory, the right to which, so far as it respects the United States, ought to be the object of the negotiation itself. These are the grounds which support the first demand I made on you, in the name of his majesty, in my letter of the 30th December, and I flatter myself, that reflecting on facts so well known, you cannot do less than consider them just.

I pass now to the second point—this is confined to asking the punishment according to law of those turbulent and seditious individuals, who have taken up arms within the territory of this confederation, and from thence, carrying desolation, destruction and horror into the frontier provinces of the crown of Spain; and not content with the atrocities they have heretofore committed, they are now actually engaged in recruiting troops, and preparing armaments in the bosom of this country, again to invade these provinces. I have named the ringleaders of these rebels, who have violated the neutrality and the most sacred laws of the United States, by the well known fact, of their having armed in their territory, and marched from thence in military and hostile array, to subvert the peace and good order of the dominions of the king my master. I have named Toledo, Bernardo, Gutierrez, Doctor Robinson and others, who perpetrated the horrible deeds at St. Antonio de Bexas: who recruited their troops in Louisiana, and even in the limits of New Orleans; and proceeded from thence, as an army, to assault the province of New Mexico, who committed there, outrages never heard of even among savage tribes; and who, after being defeated, again took refuge in the territory of this Union—where they are now endeavouring to raise new forces to repeat the same excesses. Toledo, Bernardo, Gutierrez, Doctor Robinson and their followers, to this time, move about with

impunity in Louisiana, and even in the city of New Orleans itself. The infraction of the laws of the United States, and the violation of the dignity and honour of the American people, of which they are guilty, is publick and notorious, not only in this country, but in the whole world. I stated to you in addition, on this point, that the ringleaders I had named to you, were expecting considerable reinforcements from Kentucky and Tennessee, to undertake a hostile expedition against the neighbouring possessions of my sovereign ; and that I had advised, that these reinforcements composed of American citizens, were raised for the purpose of uniting with them.

You were pleased to state to me, in reply on this point, that the President had determined not to take any part in the disputes which had arisen between his catholick majesty and the revolted provinces on this continent ; and that in conformity to this system, the governours of different states, as well as the President himself, had issued repeated proclamations, directing that all those who set on foot, or promoted the recruiting of adventurers, with the design of invading the possessions of his catholick majesty, should be prosecuted according to law ; that the information received at your department, from very respectable persons, is, that the force collected by Toledo, is very inconsiderable, and composed principally of Frenchmen and Spaniards, who, without the territory of the United States where their laws do not reach ; that my statements on this point are not circumstantial, and that as soon as I pointed out American citizens, who promoted the expeditions, collected the troops, or facilitated the supplies to which I referred, and if these collections of troops, &c. were in the territory of this Union, they should be immediately dispersed and the persons implicated should be prosecuted according to law.

To satisfy you on this point, with that simplicity and candour which belongs to me, I will divide into two classes these seditious persons of whom I have spoken to you in my notes. I will include in the first class, Toledo, Bernardo, Gutierrez and Doctor Robinson, as violators of the laws of the neutrality of the United States, an infraction so notorious, and so evident, that I should do wrong to detain you in referring to the innumerable acts which demonstrate it in an incontestable manner. It is known to you, to your government, and to the whole country, that

with the troops they individually raised three years ago in Louisiana, they marched in military array, to invade the internal provinces of the Vice Royalty of Mexico; the horrible assassinations they committed, particularly those by Bernardo Gutierrez at St. Antonio de Bexar, are known. And finally, it is known, that being defeated by the troops of the king my master, they took refuge again in this country, and that the government of Louisiana permitted them to remain undisturbed in the very territory whose neutrality they had violated. This single fact, is, in my opinion, a sufficient reason, why the law should take hold on them, before they leave the jurisdiction of the United States, to renew melancholy scenes. But I will give to you even new proofs, that these highway robbers, have not ceased from that time, to concert, and to realize new projects against the tranquillity of the inhabitants of the dominions of the king my master.

The annexed copies, marked No. 1, 2, and 3 of intercepted letters from Toledo, which have been officially sent to me, prove beyond doubt, that Toledo, had armed in New Orleans, three vessels, in which, he carried arms and munitions of war, to give support to the insurrection in Mexico; and that he returned to that city, bringing back with him, Herrera, who calls himself minister plenipotentiary, from the revolted provinces, to this government. You will see, with surprise, that Toledo, not content with thus openly violating the most sacred laws of neutrality of this confederation, had the impudence to prostitute the respectable name of this government, by asserting, in one of his said letters, that the United States, only waited the arrival of the minister of the revolutionists of Mexico, to acknowledge its independence. The other ringleaders, have done the same thing to deceive adventurers, both in, and out of Mexico, and even citizens of the United States, seducing them by false assurances, that their government was decided to support them, and that it would proceed immediately to recognize, as an independent power, that band of highway robbers and insurgents. From the extract of a letter from a person of the greatest veracity and the best character, now forwarded to you, marked No. 4, you will observe, that Toledo had deferred his expedition against the provinces of the king my master, as I stated to you in my note of the 2d January, as the thousand men he expected from Kentuc-

ky, and the three hundred from Tennessee, could not form a junction with him in less than twenty-four days ; and in Nos. 5 and 6, you will see this information confirmed under a posterior date, advising me, that a number of Americans came down from the states adjacent to Louisiana, to join the expedition which Toledo had concerted ; and that he (Toledo) would carry with him the engineer La-ford, Savary, and one Soubenet.

You will also learn, that provisions and a Carthaginian flag were sent to the American brig, the Tom Bowlin, from New York, at the moment of her arrival at the Balize, by a gun boat of the United States, with the object, it would seem, of convoying with her the vessels which should sail from New Orleans with munitions of war for the establishment at the new port of Tampica ; that they had purchased in New Orleans itself, five other schooners, which they are actually arming to cruise against the Spanish commerce ; and that it appears that Mr. John K. West, merchant of that place, is the agent for these vessels ; and, finally, that in that city there has been a revolutionary junta, at the head of which is Toledo and Herrera, from which has issued the wicked decree mentioned in these letters—that four honourable Spaniards should be put to death for every revolutionist punished by the established laws of the monarchy of the king my master.

As respects doctor Robinson, it is notorious that he has been one of the most infuriated enemies of Spain, and the one who has, with the greatest eagerness, promoted the rebellion of the provinces of his majesty. It was he who introduced himself into the internal provinces to seduce their inhabitants—it was he who sowed the seed of insurrection—it was he who procured intelligence in Saint Antonia de Bexar, for Bernardo Gutierrez, that he might possess himself of the place, and afterwards murder fourteen Spanish chiefs—and it was he who published, in these United States, proclamations, signed with his hand, inviting adventurers from all parts to form an army, pointing out the places of enlisting men, and the pay of those enlisted : and, in one word, declaring war himself, in a certain mode, against the Spanish nation, from the very bosom of this republick, as you will find, more in detail, in the authenticated copy (No. 7), which accompanies this, the original of which is in my possession.

I include in the second class, those individuals who, se-

duced by the imposture of the principal authors of these hostile expeditions, have assisted, from the bosom of this republick, the revolutionists of Mexico, some by furnishing them arms and munitions of war, others by enlisting themselves, in this country, in the army of the insurgents, which passed over to subvert all order in the provinces of the king my master. In this number are those other persons, whom I have mentioned to you in this and my former notes. The information which I gave you respecting some persons who were preparing hostile expeditions from Georgia, against the possessions of the king my master, you will find established, officially, by the governour of East Florida, in his letter, (No. 3,) which accompanies this; in which he advises me, that John M'Intosh, and William Criach, who supported the last insurrection in that province, in the year 1812, are now recruiting in Georgia, in a considerable number of vagabonds, again to invade the territory under his command.

I flatter myself that this series of acts, so circumstantial, the information of which has been acquired through channels so respectable, will be sufficient to call the attention of the President to the necessity of cutting up, by the roots, these melancholy abuses, and to shut the door against the continual, violent movements of these turbulent people, who, from the bosom of this republick, make war on a friendly and neighbouring power. It has never been the intention of the king, my master, to request that the punishment of the laws should be inflicted on these disturbers of social order, when their guilt is not fully proven. On the contrary, I have informed you that the object of his majesty is not to take vengeance on these highway robbers, but to shelter his subjects from their barbarity. His majesty has only thought proper to solicit from the rectitude and circumspection of this government, what might prevent the crimes which are meditated from taking effect, as otherwise it might be too late to prevent them, as the offenders will be beyond the territory of a friend, and at a distance from the arm of the law. Good order requires, not only that the offences already committed should be punished, but that those which are contemplated should be prevented: and this is the case of the individuals I have comprehended in the second class. The personal knowledge I have of the rectitude of the President, inspires me with a confidence that he will view the acts I

have just stated, as I do; and proceeding, in this particular case, with that integrity and humanity which is the most glorious distinction of the American character, he will be pleased to adopt those measures which he may believe most analogous to the system which, you tell me, this government has adopted, not to mix in these dissensions, and not to permit the citizens of this republick to take part in them, nor to permit its territory to be a shelter to foreigners who try to make war on a friendly power.

To the third point in my notes, intended to solicit from your government, that vessels from the insurgent or revolted provinces of Spanish America, should not be admitted into the ports of the republick, as well because none of those provinces are recognised by any power in the world, as because the obligations of friendship and good neighbourhood demand that we should not in any way contribute to protect provinces or subjects who have revolted, you have been pleased to make known to me, that the President, observing the change of government which had taken place among the revolutionists in Spanish America, had adopted the measure of ordering the collectors of the customs to admit every description of vessel, without regard to her character or flag, provided she paid the duties and observed the laws of the country during the time she was in port.

With due respect for the measures adopted by the chief of this confederation, I cannot do less than state to you, that the changes of government which have taken place among the revolutionists of Spanish America, do not appear to me to afford a sufficient motive for altering the friendly conduct towards a power, with whom one is in peace and harmony. You cannot but know, that this measure places these factionists not only on a footing of equality with the Spanish nation, but gives them advantages over all independent powers, since, according to the laws of neutrality, the United States would not permit any independent nation to arm its vessels in their ports, nor to sell prizes in them, as is permitted to these revolutionists.

By the two acts of Congress, one of the 28th of February, 1806, and the other of the 24th of the same month in 1807, all commerce with the rebels of St. Domingo, was prohibited at the request of France. As the treaties sub-

sisting between Spain and the United States, place Spain on the footing of the most favoured nations, his majesty considers himself entitled to expect that this republick will now adopt in his favour, a like measure during the disturbances in Spanish America, or for such other period as it may be considered proper to designate. Such is the spirit in which I have made the three requests to your government, stated in my former notes. I hope that the present observations will merit a favourable reception from the rectitude and wisdom of the President and of yourself. I have given an account to my government of all these particulars, sending it a copy of my notes, and of the answer I had the honour to receive from you. And, in the mean time, I ought to reiterate to you the most positive assurances of the disposition of the king, my master, to maintain and to strengthen the ties of friendship and good understanding with these states.

At the conclusion of your note, which I am now answering, you are pleased to make known to me that this government is anxious to terminate, by means of a friendly negotiation with the king, my master, all pending differences, and that it will be very satisfactory to the President to know that I am vested with powers to that effect. I have not lost any time in communicating to my sovereign this desire of the President, and I will have the satisfaction of announcing to you what his majesty may determine on this point; nevertheless, I ought to state to you, (although it would be highly flattering to me to treat with you, as your penetration and rectitude would facilitate the arrangement of these affairs,) yet it appears to me, that as Mr. Erving has not yet sailed from the United States, that the business would be expedited if the President would give him power and instructions to terminate the negotiations at Madrid. This arrangement cannot present great difficulties; the respective rights of each power being once settled by common agreement, a friendly understanding being had on each point in discussion, and it being determined what are the reciprocal obligations of Spain and the United States, they would be still further obviated if you would have the goodness to inform me, frankly and plainly, as I requested in a former letter, what are the pretensions of right, which the United States have against Spain, and what are those for their own convenience, which they desire to realize for an

equivalent which may be advantageous to the two nations, to the end that, with the knowledge I have acquired of the mutual interests of both, I may recommend to the attention of his majesty these particular points.

I renew to you my respects, and pray God to preserve your life many years.

LUIS DE ONIS.

Copy of a Letter from the Secretary of State, to the Chevalier de Onis. Department of State, June 10, 1816.

SIR,—I had the honour to receive your letter of February 22d, soon after its date, and to communicate it to the President.

Anxious as this government has been to terminate all differences with his catholick majesty, on conditions of reciprocal advantage, and with equal honour to both parties; it would have been very satisfactory to the President, to have found that you had been vested with full power to negotiate and conclude a treaty for these purposes.

I have the honour now to state, that Mr. Erving, minister plenipotentiary of the United States to his catholick majesty, has been instructed on these important subjects; and that, as the views of this government are just and liberal, a strong hope is entertained that your government, bringing to the negotiation a similar disposition, will agree to such an arrangement as will be mutually advantageous and satisfactory to both nations.

However agreeable it might be to leave these high concerns in this train, without further discussion here, it is nevertheless, proper to notice some passages in your letter of February 22d, notwithstanding the clear light in which the subjects to which they relate, have been placed in former communications. You intimate in your late letter of May 30th, a desire to receive a particular answer to that of February 22d; and it is just, that you should see, that my silence was imputable to the cause only, which is above suggested.

You state that as that portion of Louisiana, which lies eastward of the Mississippi and the Iberville, had been ceded by France to Great Britain in 1763, and by Great Britain to Spain in 1783; it could not be comprised in the cession of Spain to France in 1800, nor of the latter to the United States in 1803; and you draw this conclusion from the supposed import of the term "retrocession" used in the two latter treaties; which you say, applies to that

portion only which Spain had received from France. My interpretation of these treaties, taking into view so much thereof, as relates to this subject, is very different. As to the term "retrocession," it is evident, that it was not the intention of the parties, that it should have any effect whatever on the extent of the territory ceded. The import of this term is too vague, and the term itself, was used in a manner too casual to admit such an inference, even had there been nothing else in the treaty between Spain and France of 1800, to show that the construction you contend for, is altogether inconsistent with the manifest intention of the parties. The import of this term would, in my opinion, be satisfied, if the whole province had passed in the first instance, from France to Great Britain, and been conveyed afterwards by Great Britain to Spain, and by Spain back again to France. In regard to France, this last conveyance would have been a "retrocession," as, by it, the territory would have been ceded back to her. It was very natural therefore, that this term should be used, being applicable in the most limited sense, in which it can be taken, to at least $\frac{1}{20}$ ths of the province, and in a qualified sense, to the whole.

Had it been intended to exempt any portion of the province in the possession of Spain, from the operation of the treaty of St. Ildephonso, it would have been easy to have done it, and in a manner to preclude all doubt of the intention of the parties. It might, for example, have been stated, that Spain ceded back to France, such part of the province as France had ceded to Spain. A stipulation to this effect, would have been concise, simple, and very perspicuous; it would have rendered useless and unnecessary, the other provisions of the article, in regard to the point in discussion, and for any purpose whatever, the first of those provisions; or, they might have defined the extent of the cession by a natural boundary, which would have been equally distinct and satisfactory. Had Spain ceded to France all that portion of Louisiana, which lies westward of the Mississippi, the Iberville and the lakes Mawrepas and Pontchartrain, no controversy could ever have arisen between France and Spain, respecting the eastern limits; as to what Spain had ceded in that quarter, and what she had retained; nor could there have been one between the United States and Spain. By declining to define the boundaries of Louisiana, eastward, in some one of these obvious and perspicuous modes, it is just to con-

clude, that it was intentional; that there was an object in it; and what that object was, is sufficiently apparent from a fair construction of the provisions of the article already noticed.

By the treaty of St. Ildephonso, in 1800, the province of Louisiana is ceded to France by Spain, "with the same extent that it now has in the hands of Spain, and that it had when France possessed it; and such as it should be after the treaties subsequently entered into between Spain and other states." And by the treaty of 1803, between the United States and France, this article of the treaty between France and Spain, is inserted verbatim, by which the United States are placed precisely on the same ground on which France herself stood.

If we recur to the several provisions, we shall find that each has a distinct object, for which it would not have been necessary to provide, especially in that mode, if it had been the intention of the parties that no portion of West Florida, in question, should have been exempted from the cession. By stipulating first, that the province was ceded "with the same extent that it now has in the hands of Spain," direct reference was made to that portion of West Florida lying between the Mississippi, the Iberville, the lakes Maurepas and Pontchartrain, and the Perdido. This provision cannot be construed, as alluding to any other part of the province, and its sole effect was intended to be to include it in the cession to France. The second provision is equally explicit, "that it had when France possessed it." It is known that France had held the province to that extent, before the treaties of 1763, by which she had ceded it to Spain and Great Britain, and by this stipulation it was ceded back to her in the same extent, so far as Spain could do it. The third provision has an object equally distinct, and is the more important, because by giving it its intended effect, the construction given to the others is fully confirmed. "Such as it should be after the treaties subsequently entered into between Spain and other states." By the treaty between the United States and Spain, in 1795, the boundaries, as established between the United States and Great Britain, in 1783, and the free navigation of the Mississippi, are confirmed, with the addition of the right of deposite at New Orleans. This provision applies to this treaty, and likewise to the treaty of 1783, between Great Britain and Spain, by which West Florida was ceded to the latter, whereby she was enabled to

restore it, in the extent contended for, to France. In regard to its operation on the treaty of 1795, between the United States and Spain, it was a provision which the United States had a right to expect from the good faith of Spain.

This view of the subject, which was, in substance, taken by the ministers of the United States in 1805, in a negotiation with your government, at Acanjuez, appears to me, as it then did, to be conclusive. You urge, however, against it, that the French government had stated that it was not its intention to cede to the United States that portion of Louisiana which France had ceded to Great Britain by the treaty of 1763. The same declaration was made to the ministers of the United States, at Acanjuez, in 1805, for the same purpose that it is now repeated. As to regard to the rights of the United States, founded on the cession which France had made to them, with a thorough knowledge of all the circumstances attending the transaction, combined with a due respect to the government of France, dictated the answer. Your government was informed that the American envoys had proposed to the French government, in the negotiation which terminated in the cession of Louisiana by France to the United States, in 1803, that its boundaries should be defined by the treaty, to which the French government did not accede, preferring to insert in it an extract from the treaty of St. Ildephonso, by which the province had been ceded by Spain to France, with intention to place the United States, in regard to Spain, on the same ground, precisely, that France held herself under the treaty of St. Ildephonso, unprejudiced by any opinion of her own. Nothing had occurred in the negotiation with France to excite a doubt that the Perdido was the eastern boundary of Louisiana. It had been the boundary of the province when held by France, before the treaties of 1763, and it was made so again by the treaty of St. Ildephonso, which restored it to her. Such was the construction which the American ministers gave to that treaty, who were in engaged in the negotiation with France, and such their representation of it to their government, after the treaty with France was concluded. It merits particular attention that when your government was requested to cede to the United States such territory as they were desirous of obtaining, prior to their acquisition of Louisiana, it replied to their minister at Madrid, by a letter of the 3d of May, 1803, "that by the retrocession made to France of Loui-

siana, that power regained the province with the limits it had, saving the rights acquired by other powers ; and that the United States could address themselves to the French government to negotiate the acquisition of territories which might suit their interest." With the subject thus presented before the government of the United States, the fair construction of the article of the treaty of St. Ildephonso, maintained by the American ministers in their official communication accompanying the treaty, sanctioned, as it evidently was, by the letter of your minister of state, the treaty of Paris of 1803 was ratified. It could not be expected that the United States would appeal, under these circumstances, to France for information, as to the extent of the acquisition which they had made, or be governed by any opinion which her government might express, in that stage, respecting it.

With respect to the western boundary of Louisiana, I have to remark, that this government has never doubted, since the treaty of 1803, that it extended to the Rio Bravo. Satisfied I am, if the claims of the two nations were submitted to an impartial tribunal, who, observing the principles applicable to the case, and tracing facts, as to discovery and settlement, on either side, that such would be its decision. The discovery of the Mississippi, as low down as the Arkansas, in 1673, and to its mouth in 1680, and the establishment of settlements on that river, and on the bay of St. Bernard, on the western side of the Colorado, in 1685, under the authority of France, when the nearest settlement of Spain was in the province of Panuco, are facts which place the claim of the United States on ground not to be shaken. It is known that nothing occurred afterwards on the part of France to weaken this claim. The difference which afterwards took place between France and Spain, respecting Spanish encroachments there, and the war which ensued, to which they contributed, tend to confirm it.

I have thought it proper to make these remarks in reply to your letter of February 22d, respecting the eastern and western boundary of Louisiana. The subject having been fully treated in several notes to your government in 1805, and particularly in those of March 8th, and April 20th, of that year, I beg to refer you to them for a further view of the sentiments of this government on the subject.

In adverting to the parts of your letter which relate to

the revolted provinces of Spain in America, and the aid, which you state, the revolutionary party have derived from the United States, I cannot avoid expressing equally my surprise and regret. I stated in my letter to you of January 19th, that no aid had ever been afforded them, either in men, money, or supplies of any kind by the government, not presuming that the gratuitous supply of provisions to the unfortunate people of Carracas, in consequence of the calamity with which they were visited, would be viewed in that light, and that aid to them from our citizens, inconsistent with the laws of the United States, and with the law of nations, had been prohibited, and that the prohibition had been enforced with care and attention. You stated in your letter of January 2d, that forces were collecting in different parts of our western and southern country, particularly in Kentucky, Tennessee, and Louisiana, for the purpose of invading the Spanish provinces. I stated to you in reply, that I knew of no such collection of troops in any quarter, and that from information derived from the highest authorities, I was satisfied that none such had been made. I requested you to state at what points these troops were collected, and who were the commanders. You have sent me, in reply, extracts of letters from persons whose names are withheld, which establish none of the facts alleged as to the raising of troops in the United States, but recite only vague rumours to that effect. I have the honour to transmit to you a copy of a letter on this subject, from Mr. Dick, the attorney of the United States for the district of Louisiana, by which you will see how attentive the publick authorities there have been to the execution of the laws of the United States, and to the orders of the government, and how little they have deserved the charges made against them.

As I cannot doubt that you have taken erroneous impressions from the misrepresentation of partial or misinformed individuals, and that you have communicated the same to your government, I rely on your candour to adopt such measures as may appear best calculated to place the whole subject before it in a true light. It is important that the effort which the President is now making to adjust our differences with Spain, should have the desired result; and it is presumable that a correct knowledge of the conduct of the United States, in these circumstances, would promote it. I have the honour to be, &c.

JAMES MONROE.

Copy of a Letter from Mr. Dick, Attorney of the United States for the District of Louisiana, to Mr. Monroe, enclosed to Mr. Onis in the Secretary of State's Letter of June 10, 1816. New Orleans, March 1, 1816.

SIR,—I have just had an opportunity of perusing the letters of the Chevalier de Onis, envoy extraordinary and minister plenipotentiary of his catholick majesty, addressed to you under date of the 30th of December and the 2d of January. As these letters dwell largely upon transactions affecting the neutrality of the United States, which are said to have occurred, and to be still occurring here—and as they charge the publick authorities of this city with giving, in the face of the President's proclamation of the 1st of September last, protection and support to the enemies of his catholick majesty, I think it not improper to address you in relation to these charges.

It is affirmed by the chevalier de Onis, "and it is," says he "universally publick and notorious, that a factious band of insurgents, and incendiaries, continue with impunity, in the province of Louisiana, and especially in New Orleans, and Natchitoches, the uninterrupted system of raising and arming troops to light the flame of revolution in the kingdom of New Spain. All Louisiana," he continues, "has witnessed these armaments—the publick enlistments—the transportation of arms—rejunction of the insurgents—and their hostile and warlike march from the territory of this republick against the possessions of a friendly and neighbouring power."

No troops at present are, or at any former period were, openly raised, armed, or enlisted at Natchitoches, or at New Orleans, or at any other point within the state of Louisiana. Arms have been transported from this place by sea, and otherwise, as objects of merchandise, and probably have been disposed of to some of the revolutionary governments of New Spain. It has not been supposed here that there was any law of the United States, any provision by treaty, or any principle of national law that prohibit this species of commerce: it was considered that the purchasing and exporting, by way of merchandise, of articles termed contraband, was free alike to both belligerents; and that if our citizens engaged in it they would be abandoned to the penalties which the laws of war authorize.

What is said, too, about the junction of the insurgents,

and their hostile and warlike march from the territory of the United States against the possessions of Spain, is unfounded. In the summer of the year 1812, a band of adventurers, without organization, and apparently without any definite object, made an incursion into the province of Texas as far as San Antonio, by the way of Nacogdoches. No doubt many of the persons belonging to this party passed by the way of Natchitoches—but separately, in no kind of military array, and under such circumstances as to preclude the interference of the civil or military authorities of the United States, or of the state of Louisiana.

What could be effected in this respect was done; twice in the years 1811, '12, parties of adventurers who had assembled between the Rio Hunda, and the Sabine, (the neutral territory,) were dispersed by the garrison of Natchitoches, their huts demolished, and their whole establishment broken up.

The party that marched upon San Antonio assembled to the west of the Sabine, beyond the operation of our laws, and from thence carried on their operations. So far from troops, upon this occasion, assembling at different points, forming a junction within the territories of the United States, and marching thence, I am assured, by various and most respectable authorities, that, although it was generally understood at Natchitoches that some enterprise was on foot, it was extraordinary to see two of the persons, supposed to be engaged in it, together. The officer commanding at that time the United States troops at Natchitoches, (major Wolstoncraft,) offered his services to the civil authority in aid of the laws, and to preserve inviolate the neutrality which they enforce.

In consequence, several individuals found with arms were arrested; they alleged that they were hunters, and there being no evidence to the contrary, or rather no proof of their being engaged in any illegal undertaking, they were of course discharged. So well satisfied, indeed, were the Spanish authorities of the adjoining province, that neither our government, or its agents, gave succours or countenance to this expedition, that, during the time they knew it to be organized, or organizing, they applied to the garrison at Natchitoches for an escort to bring in some specie, which was immediately granted.

Toledo, who, at the time of its defeat commanded the

party that penetrated to San Antonio, came to this city in the autumn of 1814, when he was immediately arrested, and recognised to answer, at the succeeding term of the federal court, to a charge of setting on foot, within the territory of the United States, a military expedition or enterprise, to be carried on from thence against the territories or dominions of the king of Spain; six months having passed, and no testimony whatever appearing against him, his recognisance was delivered up.

After the discomfiture of the party under Toledo, no enterprise destined to aid the revolutionists of New Spain appears to have been set on foot from the vicinity of the United States until late in the summer of last year, when it was rumoured that a party, under a person of the name of Perry, was forming for that purpose, somewhere on the western coast of Louisiana. Upon the first intimation that this enterprise was meditated, steps were taken here to frustrate it. Nothing occurred to justify prosecutions or arrests; a large quantity of arms, however, supposed to be intended for this party, were seized on the river, and detained at the custom-house for several months; and commodore Patterson, commanding naval officer on this station, instructed the officers under his command, cruising in the neighbourhood of the suspected place of rendezvous, (Belle Isle, at the mouth of Bayou Pêche,) to ascertain the truth of the rumours in circulation, and, if verified, to use the force under their respective commands in dispersing the persons assembled, and in frustrating their illegal intentions. In obedience to these orders, the coast as far as the Sabine, was examined, and no persons discovered. It is now ascertained that Perry, Humbert and their followers, inconsiderable in number, passed, separately, through Attakapas, and assembled about two leagues to the west of the Sabine. Thence they embarked for some place on the coast of Mexico, were wrecked, dispersed, and their plans, whatever they were, totally defeated.

I have in the foregoing detail, sir, given, partly from information, entitled to perfect confidence, and partly from my own knowledge, a brief and hurried outline of two fruitless attempts, of a handful of restless and influential individuals, stimulated by the desire of aiding the cause of Mexican independence, or that of bettering their own fortunes: these are the only military enter-

prises against the dominions of the Spanish crown, that have drawn any portion of their aid or support from Louisiana: in both, the mass of adventurers was composed of Spaniards, Frenchmen and Italians. I need not say that these enterprises, whether in aid of the revolutionists, or merely predatory, were not only feeble and insignificant, but that they were formed under circumstances which forbid a surmise of their being sanctioned or connived at. Every man acquainted with the state of public feeling throughout the southern and western sections of the United States, knows, that had our government but manifested the slightest disposition to sanction enterprises in aid of the revolutionists of New Spain, the condition of these provinces would not at this day be doubtful.

It is said that troops have been recently enlisted, and that expeditions have been preparing, or are prepared, in this city to invade the dominions of Spain. The enlisting of men, and the preparing of enterprises, or the means for enterprises, of the kind spoken of, cannot be accomplished without means, or be carried on in the midst of a populous city, in solitude and silence. Yet it is known, in the first place, that neither Mr. Toledo, or Mr. Herrera had or have pecuniary means for such purposes; and, in the second, so far as negative proof can go, or so far as the absence of one thing implies another, it is most certain that no enlistments have taken place, and that no expeditions or the means of expeditions, have been prepared, or are preparing here.

A regard to truth makes it necessary to say, that what is alleged respecting the arming and fitting out of vessels within the waters of Louisiana, to be employed in the service of the revolutionary governments, against the subjects or property of the king of Spain, is unfounded. At no period since the commencement of the struggle between the Spanish colonies and the mother country have vessels, to be employed in the service of the colonies, been permitted to fit out and arm, or to augment their force at New Orleans, or elsewhere, within the state of Louisiana.

On the contrary, it is notorious, that to no one point of duty have the civil and military authorities of the United States directed more strenuously, or, it is believed, more successfully, their attention, than to the discovering and

suppression of all attempts to violate the laws in these respects. Attempts to violate them, by fitting out and arming, and by augmenting the force of vessels, have no doubt been frequent; but certainly, in no instance successful, except where conducted under circumstances of concealment that eluded discovery, and almost suspicion; or where carried on at some remote point of the coast, beyond the reach of detection or discovery. In every instance where it was known that these illegal acts were attempting, or where it was afterwards discovered that they had been committed, the persons engaged, as far as they were known, have been prosecuted, while the vessels fitted out, or attempted to be fitted out, have been seized and libelled, under the act of the 5th of June, 1794; and when captures have been made, by vessels thus fitted out and armed, or in which their force was augmented, or increased within our waters, where the property taken was brought within our jurisdiction, or even found upon the high seas by our cruisers and brought in, it has been restored to the original Spanish owners, and, in some instances, damages awarded against the captors.

An enumeration of the cases in which individuals have been prosecuted for infringing, or attempting to infringe our neutrality, in aid of the governments of New Spain, and in which vessels have been seized and libelled, under the act of the 5th June, 1794, together with a list of the vessels and property restored to the original Spanish owners, (confining the whole to the operations of the year, commencing March, 1815, and ending February, 1816,) will show more conclusively, perhaps, than any thing else can, how totally without foundation are the complaints, of Spain on this head.

The names of individuals presented in the district court of the United States, for the Louisiana district, during the year 1815, for violating, or attempting to violate, the neutrality of the United States, in aid of the governments of the United Provinces of New Grenada, and of the United Provinces of Mexico.

Jose Alvarez de Toledo,
Julies Cæsar Amazoni,
Vincent Gambie,
John Robinson,

Romain Very,
Peire Sœmeson,
Bernard Bourdin.

List of the vessels libelled for illegal outfits in aid of the same governments, during the same period.

Brig Flora Americana,	restored.
Schooner Presidente,	condemned.
Schooner Petit Milan,	condemned.
Schooner General Bolivar,	discontinued.
Schooner Eugenia, alias Indiana,	condemned.
Schooner Two Brothers,	restored.

Enumeration of vessels and property brought within the Louisiana district, captured under the flags, and by the authority of the governments of New Grenada, and of Mexico, libelled on the part of the original Spanish owners, and restored upon the ground, that the capturing vessels had been fitted out and armed, or had their forces augmented within the waters of the United States.

1. Schooner Cometa, restored April, 1815.	
2. Schooner Dorada, proceeds restored 16th May, 1815,	\$ 3,050 00
3. Schooner Amiable Maria, do. do.	3,850 00
4. Schooner Experemente, restored 3d August.	
5. The Poleacre brig de Regla and cargo, proceeds restored 18th December, 1815,	19,209 50
6. Schooner Alesta and cargo, being the proceeds of the capture of about 18 small vessels, restored 18th December, 1815,	62,150 05
Damages awarded to the original owners against the captors in the two foregoing cases,	55,272 97
7. The cargo of the schooner Petit Milan, restored February, 1816,	2,444 31
8. The cargo of the schooner Presidente, February, 1, 1816,	10,931 15
9. Schooner Sankita and cargo, restored 1 February, 1816,	37,962 94

The preceding account of Spanish property restored to the original proprietors, after being in possession of the enemies of Spain, is defective, inasmuch as it does not comprehend the whole of the cases of restoration that have taken place within the period to which the detail is confined; the very hasty manner in which I have made this enumeration, did not admit of a more accurate statement. The principal cases, however, are included in it. In several other cases, where the property was claimed

for the original Spanish owners, the claims were dismissed, because it did not appear that any violation of our neutrality had taken place.

The capturing vessels were not armed, nor was their force augmented, within our jurisdiction; nor had the captures been made within a marine league of our shore. The principles that guided the decisions of the court, as well in restoring the property captured, where our neutral means had been used, as in declining all interference, where that was not the case, manifest, I think, a disposition to, and an exercise of, the most rigid neutrality between the parties. I have the honour to be, &c.

JOHN DICK.

(C.)

From the Secretary of State to George W. Erving. Department of State, March 11, 1816.

SIR,—You will set out in discharge of the duties of your mission to Spain as soon after the receipt of this letter as circumstances will permit. Our relations with that country are, from many causes, becoming daily more and more interesting. They will require your assiduous and zealous attention as soon as you are recognised by the Spanish government.

The restoration of the diplomatic intercourse between the two countries, long interrupted by causes well known to you, presents a favourable opportunity for the settlement of every difference with that power. The President has already manifested his sincere desire to take advantage of it for that purpose, and hopes that the Spanish government cherishes a similar disposition.

The primary causes of difference proceeded from spoliations on their commerce, for which Spain is held responsible, the justice of which she admitted by a convention; and from the refusal of the Spanish government to settle, on just principles, the boundaries of Louisiana, and to compensate, on like principles, for the injuries arising from the suppression of the deposite at New Orleans in breach of the treaty of 1795. The grounds of these differences have been so often discussed, and the justice of our claims so completely established, in the instructions heretofore given, and in communications with the Spanish government, that it is thought unnecessary to enter into them in this letter. Other injuries have likewise been since received from Spain, particularly in the late war

with Great Britain, to which it may be proper for you to advert. I shall transmit to you, herewith, such papers relating to our claims, in every instance, as will place their merits in a just light.

In a conversation with Mr. Onís, shortly after the late correspondence with him, he intimated that his government was sincerely desirous of settling these differences, and that it might be willing to cede its claim to territory on the eastern side of the Mississippi in satisfaction of claims and in exchange for territory on the western side. He expressed also a desire that the negotiation might take place at Madrid, rather than in this city. It was expected that he had been already furnished with full powers to negotiate such a treaty, and it would be more agreeable to conclude it here if he had such powers, or might soon procure them, provided there was any ground to hope an early termination of it. But from the experience we have already had, it may be fairly apprehended that a negotiation here would lead to very extraordinary delays, which it is wished to avoid.

The President will soon decide on the whole subject, after which you shall be duly instructed of the course to be pursued, and of the measures to be taken. These instructions shall be forwarded to you at Madrid by Mr. Henry B. Smith.

Extract of a Letter from the Secretary of State to George W. Erving. Department of State, May 30, 1816.

SIR,—To enable you to make the experiment on which the President has again decided to settle our differences with Spain, I enclose a letter of instruction, which, being shown to the Spanish government, will be your authority for the purpose.

As the justice of the claims of the United States, in every instance, has been fully established in former discussions, the documents relating to which are in your possession, I shall not enter into the subject in that view. It can hardly be presumed, that the Spanish government, after what has passed, will be desirous of resuming this discussion. Should such a disposition be manifested, those documents will enable you to place the subject in a proper light. I shall proceed, therefore, to state the conditions on which the settlement may now be made.

The United States complained, in 1805, of injuries from Spain—

1st. By spoliations on their commerce.

2d. By the suppression of the deposite at New Orleans: and

3d. By the refusal of the Spanish government to settle the boundaries of Louisiana on just principles.

Of spoliations, there were two classes—the first consisted of seizures made of American vessels by Spanish cruisers—the second, of seizures of other of our vessels, by French cruisers, who carried them into Spanish ports, where they were condemned by French consuls. For the first class, provision was made by a convention between the two governments, at Madrid, bearing date on the 11th of August, 1802, which the Spanish government afterwards refused to ratify. For the second, no provision was ever made, though the claim was specially reserved in that convention. The suppression of the deposite at New Orleans was in direct violation of an article of the treaty of 1795. By the cession of Louisiana, the United States claim, (and, as they think, have proved by a clear title,) all the territory lying between the Perdido, on the eastern side of the Mississippi, to the Rio Bravo, on the western. They well know that France would have claimed to the same extent, had she not made the cession; though as the French government declined defining the boundaries by the treaty, as was desired, no appeal was made to it by this government, or thought proper, afterwards, respecting them.

Extract of a Letter from Mr. Erving, to the Secretary of State, dated Madrid, August 29, 1816.

“MR. HENRY B. SMITH arrived at Cadiz on the 26th July, and at Madrid on the 10th instant; by him I received your letters of May 30 and 31, the new cipher, the special power to negotiate, and the other papers therein referred to. It was after duly deliberating on those and the several instructions which had preceded them, that I formed my first note to Mr. Cevallos; this was sent to him on the 26th instant—a copy of it, (No. 6,) is herewith submitted.

No. 6.

Mr. Erving to Mr. Cevallos. Madrid, August 26, 1816.

SIR,—The President is sincerely desirous of establishing the relations of amity between the United States and

Spain on a solid basis, and that every obstacle to a permanent good understanding between the two countries should be removed by arrangements honourable and advantageous to both; he does not doubt of finding corresponding dispositions on the part of his catholick majesty, therefore has readily acceded to the particular wishes of his majesty by receiving Mr. Onis, and in the same friendly confidence has ordered me to repair to this court.

I am specially instructed to discuss and to settle with your excellency, all the ancient causes of misunderstanding, as well as the questions growing out of recent occurrences which are of a character unfavourable to the object in view;—it is desirable that no matter of future contention or jealousy should remain, to put at hazard, or to interrupt the good intelligence which the United States are always disposed to maintain with Spain, and to all the advantages of which his majesty's government cannot but be wholly sensible.

In transactions where the parties enter with such dispositions, and such motives to accord, a frank exposition of all the grounds of complaint is at once the most just, and the most judicious course; for to suppress or to smother any of them in condescension to temporary considerations, is but to leave the seeds of future discord, and to substitute palliatives and expedients for satisfactory and solid arrangements.

It is proper therefore that I should state distinctly all the points on which the United States seek for redress and indemnity, commencing with those claims which have heretofore been the subject of unsuccessful negotiation;—I am well persuaded that the whole can now be settled in a manner satisfactory to both parties, and without reviving whatever animosities they may have originally given rise to.

In the present exposition, I may also forbear to enter into the details of the principal subjects to which it refers; because these have for the most part in some form or other, been already brought to the view of the Spanish government; and because your excellency in particular has the most perfect knowledge of them.

The first point to which I must call your attention, is the claim of my government for compensation to its citizens on account of the ravages committed on their commerce previous to the year 1802;—this is an object

which the United States never has, and never can lose sight of; indeed the justice of the claim has already been admitted by the Spanish government in a convention negotiated and signed by your excellency on the 11th August, 1802. The United States still expect that this claim shall be adjusted upon principles of law and equity, which cannot be called into question by his majesty's government.

In the same manner, the United States expect that compensation will be made for all the injuries done to their commerce, under the authority of the Spanish government, or within its jurisdiction, previous to the date of said convention, not embraced by it, and the claim for which, was specially reserved by that convention; as well as for all similar injuries subsequent to its date.

The suppression of the deposite at New Orleans in the year 1802, violating the treaty of 1795, forms another claim of great importance.

Causes of misunderstanding of a later date, and of another character, accumulated principally during the war between the United States and Great Britain; these were of so unfriendly, and in many cases of so violent a nature, as to threaten an immediate and serious rupture between the United States and Spain; but happily, the pacifick policy which has uniformly characterized the conduct of the United States towards Spain, was still upheld by considerations highly honourable to the moral character of the American government; considerations growing out of the then unhappy domestick state of the peninsula, and the miseries and disorders to which a most unjust foreign invasion had made it a prey; the American government always trusting that Spain on the re-establishment of its national independence, and the restoration of regular government and tranquillity, would readily attend to the just demands of the United States and cheerfully embrace their conciliatory proposals.

It will suffice for the present, that I mention but succinctly the principal matters above adverted to—these are :

1st. The encouragement which was given by the Spanish authorities in East Florida, to the Indian tribes in Georgia, and generally on the southern frontier, to make war on the United States.

2d. The aid given to them in that war.

3d. The aid afforded to Great Britain by permitting supplies to be sent through East Florida to the Indian tribes; and afterwards by allowing her to establish a place of arms in that province, for the purpose of encouraging and supporting the Indians in their savage war.

These acts were evident and very important violations of the neutrality which Spain was bound to observe between the belligerents.

Her duties as a neutral power were altogether lost sight of when the United States' frigate "Essex" was attacked in the bay of Valparaiso.

The seizure of American property and the imprisonment of American citizens, in various modes and under various pretexts, both in the peninsula, and in the colonies, afforded unequivocal indications of an unfriendly temper; several of these acts may hereafter require special representations on my part—my present object is to bring them generally to your view. The President relies upon the just sense which his majesty must entertain of the important crisis in our affairs which such events are of a nature to produce, for the adoption of a policy congenial to the interests of both countries: and the President persuades himself that the same just and amicable disposition will be prompt in affording the satisfaction required for the injuries complained of, and that thus a state of lasting peace and friendly intercourse may be secured between two countries, whose relative situations and interests render that state so peculiarly desirable.

Finally, the questions respecting boundaries which have heretofore been supposed to offer some obstacles to a settlement of other differences, the American government considers as susceptible of amicable adjustment, and I am instructed to treat with your excellency on that subject. I have the honour to be, &c. G. W. E.

Extract of a Letter from Mr. Erving to the Secretary of State, dated Sept. 22, 1816.

"I WROTE to Mr. Cevallos, on the 13th instant, a note, of which the enclosed paper (No. 2.) is a copy, inviting his attention to my note of August 26th; and on the 14th instant I again waited on that minister, for the purpose of again urging him to reply to my said note; he made the same excuses for his delay as he had before made."

On the 15th inst. I received from Mr. Cevallos a note

of the same date ; a copy of it (No. 3.) is herewith enclosed ; I also submit to you (No. 4.) copy of my reply of the 19th instant to that note.

You will observe, sir, that under the circumstances of the sudden and unexpected determination of the king, as communicated by Mr. Cevallos, I thought it indispensably necessary (and my reasons will, I presume, be obvious to you) that my answer should include all that passed of importance in my intermediate conference with that minister. I sought the interview for the purpose of obtaining promptly explanations which in the ordinary course of correspondence might not have been given for months, of ascertaining as nearly as might be the real views of this government in the measure adopted, and as far as possible of fixing Mr. Cevallos in a direct and loyal course ; in fine of forcing our business on by one mode or another, to a conclusion of some sort. Indeed, it was impossible for me to do any thing more than merely acknowledge the receipt of the note, and to transmit it in course to my government ; unless I could learn whether the measure which it proposed was or was not likely to be acceptable to you ; for I have not seen your note of June 10, to which Mr. Cevallos refers, and as the words of his note "*que el ciudadano don Luis estuviese autorizado para negociar*" are altogether equivocal, and may receive either a past or future construction, I did not feel confident that you had really invited Mr. Onís to send for powers : thus I could not but be apprehensive that the object of this government in the measure proposed, was merely to relieve itself from pressure here, to gain time, and indefinitely to procrastinate the settlement of our differences ; and this suspicion was strengthened by many collateral considerations.

You will perceive, sir, that Mr. Cevallos says in his note, that "*correspondent orders*" *have been sent* to Mr. Onís ; by which I must understand, orders corresponding to the intention of the king to satisfy the President, by conforming to the desire expressed in your note to Mr. Onís ; which must be understood to mean full powers ; and yet in conversation, he allowed that such powers had not been sent, and accepted of my proposal to transmit them ; however, this apparent discrepance, may have been mere inadvertency ; he may have intended duplicates of his powers ; I resort to this supposition, because I have just now been informed through another channel, that

"full powers" have been sent to Mr. Onís; how the fact may be, you will be able to ascertain by the date of the powers; if the powers have been sent (unless indeed very lately) it is surprising that Mr. Cevallos did not earlier communicate the measure to me.

The observations which I made to Mr. Cevallos, as to my own powers to negotiate, and my proposal of a special commission; these were intended rather to test his sincerity, than to alter his professed plan; I said only what under circumstances it had been extraordinary to have omitted; my earnestness naturally resulted from the position in which I was placed by the proposed measure, but I refrained from pushing to the extent of which they were susceptible, what might be considered as my own pretensions; for independent of the doubt in which I was, as to the real intention of your note to Mr. Onís, or that out of question, of what might best suit the views of government, my own decided opinion was, that the negotiation might be carried on to much greater advantage, and brought to a conclusion much more expeditiously at Washington than here; not only because it would be in much abler hands than my own, but because Mr. Onís is there in a situation to see, and to feel with infinitely more force than Mr. Cevallos can in the midst of all his distractions here, the real importance, nay, absolute necessity of a speedy adjustment of our differences—Certainly what fell from the minister, tended to strengthen that opinion; and it has been still further confirmed in a subsequent conversation. On the 21st instant, having reason to believe that he did not intend to reply to any part of my note of the 19th, I immediately called on him; I found, in fact, that the measure which he had announced to me, having been definitely determined on by the king, he considered any further correspondence on the matter, as altogether superfluous; indeed that he had but the most superficial, if any acquaintance with the contents of that note; I then read to him a copy of it, and having urged all the reasons which induced me to wish for his answer, he finally consented to give it—I now wait for that answer.

No. 2.

To his Excellency Don Pedro Cevallos, first Minister of State, &c. Madrid, Sept. 13, 1816.

SIR,—It is my indispensable duty again to invite your

excellency's attention to my note of August 26th. The importance and the urgency of the matters of which it treats, will, I am persuaded, sufficiently explain my earnestness on this occasion; and I most ardently desire that the determinations of his majesty upon it, may correspond to the just expectations of the American government, and lead to the establishment of lasting peace and harmony between the two countries.

I renew to your excellency the assurances of my very distinguished consideration. GEORGE W. ERVING.

No. 3.

Copy of a Letter from Mr. Cevallos to Mr. Erving, Sept. 15, 1816.

Sor. don Jorge Erving, &c.

Muy sor. mio habiendo dado cuenta al Rey de una nota que con fha de 10 de Junis ultimo, paso Mr. Monroe a don Luis de Onis, en la que mostraba deseaba aquel gobierno que el citado don Luis estuviese autorizado para negociar con elha venido S. M. en acceder a ello por complacer al sor. Presidente y he pasado las correspondientes ordenes al referido Onis para que inmediatamente entre en negociacion con Mr. Monroe y emplee quantos medios esten a su alcance para asegurar una paz y bueno inteligencia solidas y duraderas entre las dos naciones.

Me repeto a la disposicion de V. S. y ruego a Dios g su vida ms. as. palacis 15 de Set're, 1816.

B. L. m. de V. S. Su mas ato y. sego. servr.

PEDRO CEVALLOS.

Translation of a Letter from Mr. Cevallos to Mr. Erving, Sept. 15, 1816.

SIR,—Having laid before the king a note under date of the 10th June last, addressed by Mr. Monroe to don Luis de Onis, in which he manifests the desire of his government that Mr. Onis should be authorized to negotiate with him. His majesty has acceded to it to gratify the President; and I have given the correspondent orders to the said Onis, to the end that he may immediately enter into negotiation with Mr. Monroe, and employ all the means which are within his reach to secure a solid and durable peace, and good intelligence between the two nations.

I renew, &c.

PEDRO CEVALLOS.

No. 4.

To his Excellency Don Pedro Cevallos, first Minister of State, &c. Madrid, Sept. 19, 1816.

SIR,—By your excellency's communication of the 15th instant I learn, that a note of Mr. Monroe, Secretary of State of the United States, under date of June 10th, addressed to Don Luis de Onís, in which note the desire of the American government is expressed that the said Don Luis should be authorized to negotiate with it, having been taken into consideration by the king, his majesty, with a view of conforming to the wishes of the President has acceded to the desire expressed in said note, and *that you have sent the correspondent orders to Don Luis to the end that he may immediately enter into negotiation with Mr. Monroe.*

I received this your excellency's important communication on the day of its date, but before finally acknowledging the receipt of it, thought proper to seek in an interview with you such explanations as it seemed to require; for that purpose I waited on you on Tuesday, the 17th instant. I predicated what I then said to you on the supposition that the American government might not have expressed a particular desire to change the seat of negotiation,—but that the Secretary of State in the note of June 10th referred to by your excellency, had but renewed the expression of his regret that Mr. Onís should continue to urge matters of complaint on which he had not such full powers to negotiate as he was understood to be in possession of previous to his reception by the President.

As I have the competent authority from my government to treat,—am in possession of all the documents necessary to be referred to in whatever discussions may arise; as your excellency is perfectly versed in all the questions which exist between the two governments:—for these reasons it appeared to me that an arrangement might be made here at Madrid more expeditiously, than at Washington. I stated expressly to you that I could in no case be under a necessity of referring to my government for further instructions, requesting at the same time to know whether it was his majesty's intention to place Mr. Onís in a position equally favourable to a speedy adjustment of our differences. I concluded by excusing the warmth with which I pressed the subject, assuring you that I was very far from seeking my personal

gratification in this matter of high publick interest, but that I looked only to the desired result ; and that if this could be obtained more promptly by transferring the negotiation to Washington than by pursuing it here, I should sincerely rejoice at the transfer.

In reply to these observations, I understood your excellency to state, that owing to your being actually charged with the business of three ministries, besides the direction of the posts ; and to the variety of other occupations incidental to your high employ, it was impossible for you to give the time to the affairs to be discussed which would be necessary to a satisfactory and speedy arrangement of them : that Mr. Onis was also fully acquainted with those affairs, and was in possession of all the documents relating to them ; and though you could not say but that it might be necessary for that minister to consult with his government, yet even the loss of three months time on such an occasion would not prolong the negotiations to the extent which the unavoidable delays here would carry them to.

These reasons urged by your excellency for transferring the seat of negotiation to Washington, induced me to propose that his majesty would appoint a special minister or a commission to treat with me. I understood your excellency to reply, that as such minister or commission would be entirely uninformed, and would have every thing to learn on the matters to be discussed, and hence continual necessity of referring to you—this mode could in no wise expedite the result.

On my asking your excellency if full powers and instructions had been already sent to Mr. Onis, I understood you to say that they had not.

I then informed you, that after replying to your communication of the 15th inst. I should prepare to send a gentleman of my legation to the United States with my despatches ; and I offered his services to be at the same time bearer of your despatches to Don Luis de Onis ; which offer you were pleased to accept.

If I may have made any mistake in this statement of the substance of what passed in the interview which I had the honour of having with your excellency on Tuesday the 17th instant, I beg that your excellency will be so obliging as to correct it.

I have further to request that you will be pleased to inform me whether it is your intention to reply to my notes

of 26th August, and September 13th, or whether I am to consider your communication of the 15th instant as superseding the necessity of any special reply to those notes.

I have to request, also, that your excellency would enable me to inform my government whether it is his majesty's intention to send "*full powers*" to Don Luis de Onís to treat upon *all* the matters in question between the two countries, and whether the instructions to be sent to him will embrace *all* the points adverted to in my abovementioned note of August 26.

As soon as possible after I shall be honoured with your reply to this note, I shall send a messenger to my government; he shall wait, however, to be at the same time the bearer of your despatches to Mr. Onís.

I renew to your excellency assurances of very distinguished consideration.

GEO. W. ERVING.

Extract of a Letter from Mr. Erving to the Secretary of State, dated Madrid, Sept. 27, 1816.

"You will perceive, sir, by my last communications that there is now very little probability that I shall have occasion to use the ample documents with which I have been furnished. Whatever complaints this government may have to make, these originating in Mr. Onís's reports will of course be sent back to him to bring weight into his negotiations. It is equally probable that he may be instructed to answer at Washington to whatever representations I may find it my duty to make here; for it is now perfectly evident that a principal motive with Mr. Cevallos in removing the negotiation to Washington, has been to get rid altogether of the weight and trouble of it here, and of whatever belongs to, or may any how be comprised in it. I hope that this was his only motive.

"I see with satisfaction that your note of June 10, to Mr. Onís, does not admit of any other construction than that which I conjectually gave to it in my conversation with Mr. Cevallos. It is very evident too by Mr. Onís's reply of July 3d, that he has not misunderstood you: after this, is it to be imagined that Mr. Cevallos has fallen into a misconception? certainly not. I presume then, sir, that you will approve of my determination not to make any attempt to alter his plan; and that you will agree with me in opinion that the only chance of accommodation with this government is by negotiation at Washington."

Extract of a Letter from Mr. Erving to the Secretary of State, dated Oct. 8, 1816.

“IN my despatch, No. 18, I mentioned that Mr. Cevallos, in conversation on the 21st of September, had promised to answer my note to him of September 19th. He was afterwards, for several days, so wholly occupied with the marriage ceremonies that not the least attention to any other kind of business could be expected; but these terminated, on the 3d inst. I wrote to him unofficially a note, of which the enclosed paper (No. 1.) is a copy; and on the 5th I again waited on him to press him for the answer which he had promised. On this occasion I observed to him that since, by his note of the 15th September, he had not assigned any sufficient motives for the determination of his majesty to transfer the negotiations to Washington, it had been incumbent on me to ascertain what they might be, and to submit them to my government.

“It was with this intent that I had sought the interview of September 17th, and had stated the substance of our conversation in my note to him of the 19th, which with his reply would be sufficient for my purpose: that without explanation, the mere notification of his majesty's determination, contained in his excellency's note, would have a very extraordinary appearance, to say the least; my government had sent me with powers and instructions to negotiate, I had opened the matters to be treated on, and waited several weeks for an answer, when I was told his majesty had determined to empower Mr. Onis. Under such circumstances must it not be concluded, either that the Spanish government by this measure sought to avoid or to delay an arrangement, or that it had some personal objection to myself. Hence the necessity of an explanation. Mr. Cevallos answered that the motives to the measure were what he had before assigned, and that I must not allow myself to imagine that either the king or himself had the least objection personal to me; on the contrary, it would give him, Mr. Cevallos, peculiar pleasure to settle the business with me, if it were possible for him to attend to it; finally, that since I considered it important that my note should be answered, I should have the answer forthwith.

“Yesterday, the 7th, I received the note of the same date of which the enclosed paper No. 2, is a copy. In this you observe, sir, that Mr. Cevallos speaks of ‘full powers’ to Mr. Onis, and the object in sending them to be the more

expeditious termination of existing questions. In conversation, Mr. Cevallos told me, that the instructions to Mr. Onis, would comprise *all* the matters mentioned in my note of August 26th; but he has not thought proper in this last communication, to reply specially to the question put on that subject, in my note of 19th ultimo; indeed it was impossible for him to answer that note, and say less than he has done; he seems to have written, merely to get rid of importunity, by tranquillizing what he supposes to be my personal apprehensions.

“My despatches, (Nos. 18, 19, and 20,) will accompany this, as well as those of the Spanish government for Mr. Onis, which are to be ready within a few days. Considering the peculiar importance of these communications, I have concluded to send them by Mr. Brent to the port of Bordeaux, from whence it seems to be more probable that a speedy conveyance for the United States will be found, than either from Cadiz or Lisbon. Mr. Brent will proceed to the United States, if he should find a suitable vessel bound home. On account of the lateness of the season, I have thought it right to leave this point to his own discretion, instructing him, however, to make the voyage, (in whatever vessel,) unless he should find at Bordeaux some American going to the United States, under whose care he shall consider the despatches to be as perfectly secure as under his own.

“I beg leave, on this occasion, to express to you my particular satisfaction with the services of Mr. Brent, who unites in his character all the qualities which make a man of business, and a valuable publick officer.”

No. 2.

Copy of a Letter from Mr. Cevallos to Mr. Erving.
Sr. Don Jorge Erving, &c.

Muy sor mio. En contestacion a la nota de vs de 19 del pasado debo decirle que la determinacion del Rey de que se remite un pleno poder a Don Luïs de Onis, procede del deseo de terminar mas pronto las contestaciones pendientes sinque en esto haya intervenido la menor personalidad.

Me repito a la disposicion de vs y ruego a Dios ge. su vida ms. as. a Palacio 7 de Octubre, 1816.

B. L. M. de VS Su mas ats. y segs servt.

PEDRO CEVALLOS.

*Translation of a Letter from Mr. Cevallos to Mr. Erving,
dated Oct. 7, 1816.*

SIR,—In answer to your note of the 19th of the last month, I have to say to you, that the determination of the king that a full power should be sent to don Luis de Onis, proceeds from the desire of sooner terminating the pending disputes, and that it is unconnected with any personal considerations.

I renew to you, &c.

PEDRO CEVALLOS.

INAUGURAL SPEECH

OF THE PRESIDENT OF THE UNITED STATES. MARCH 4,
1817.

I SHOULD be destitute of feeling, if I was not deeply affected by the strong proof which my fellow citizens have given me of their confidence, in calling me to the high office whose functions I am about to assume. As the expression of their good opinion of my conduct in the publick service, I derive from it a gratification, which those who are conscious of having done all that they could to merit it, can alone feel. My sensibility is increased by a just estimate of the importance of the trust, and of the nature and extent of its duties; with the proper discharge of which, the highest interests of a great and free people are intimately connected. Conscious of my own deficiency, I cannot enter on these duties without great anxiety for the result. From a just responsibility I will never shrink; calculating with confidence, that in my best efforts to promote the publick welfare, my motives will always be duly appreciated, and my conduct be viewed with that candour and indulgence which I have experienced in other stations.

In commencing the duties of the chief executive office, it has been the practice of the distinguished men who have gone before me, to explain the principles which would govern them in their respective administrations. In following their venerated example, my attention is naturally drawn to the great causes which have contributed, in a

principal degree, to produce the present happy condition of the United States.—They will best explain the nature of our duties, and shed much light on the policy which ought to be pursued in future.

From the commencement of our revolution to the present day, almost forty years have elapsed, and from the establishment of this constitution, twenty-eight. Through this whole term, the government has been, what may emphatically be called, self-government; and what has been the effect? To whatever object we turn our attention, whether it relates to our foreign or domestick concerns, we find abundant cause to felicitate ourselves in the excellence of our institutions. During a period fraught with difficulties, and marked by very extraordinary events, the United States have flourished beyond example. Their citizens, individually, have been happy, and the nation prosperous.

Under this constitution, our commerce has been wisely regulated with foreign nations, and between the states; new states have been admitted into our union; our territory has been enlarged, by fair and honourable treaty, and with great advantage to the original states; the states, respectively, protected by the national government, under a mild, parental system, against foreign dangers, and enjoying within their separate spheres, by a wise partition of power, a just proportion of the sovereignty, have improved their police, extended their settlements, and attained a strength and maturity, which are the best proofs of wholesome laws, well administered. And if we look to the condition of individuals, what a proud spectacle does it exhibit! On whom has oppression fallen in any quarter of our union? Who has been deprived of any right of person or property? Who restrained from offering his vows, in the mode which he prefers, to the Divine Author of his being? It is well known, that all these blessings have been enjoyed in their fullest extent; and I add, with peculiar satisfaction, that there has been no example of a capital punishment being inflicted on any one for the crime of high treason.

Some, who might admit the competency of our government to these beneficent duties, might doubt it in trials which put to the test its strength and efficiency, as a member of the great community of nations. Here, too, experience has afforded us the most satisfactory proof in its

favour. Just as this constitution was put into action, several of the principal states of Europe had become much agitated, and some of them seriously convulsed. Destructive wars ensued, which have, of late only, been terminated. In the course of these conflicts, the United States received great injury from several of the parties. It was their interest to stand aloof from the contest; to demand justice from the party committing the injury; and to cultivate, by a fair and honourable conduct, the friendship of all. War became, at length, inevitable, and the result has shown, that our government is equal to that, the greatest of trials, under the most unfavourable circumstances. Of the virtue of the people, and of the heroick exploits of the army, the navy, and the militia, I need not speak.

Such, then, is the happy government under which we live; a government adequate to every purpose for which the social compact is formed; a government elective in all its branches, under which every citizen may, by his merit, obtain the highest trust recognized by the constitution; which contains within it no cause of discord; none to put at variance one portion of the community with another; a government which protects every citizen in the full enjoyment of his rights, and is able to protect the nation against injustice from foreign powers.

Other considerations of the highest importance admonish us to cherish our union, and to cling to the government which supports it. Fortunate as we are, in our political institutions, we have not been less so in other circumstances, on which our prosperity and happiness essentially depend. Situated within the temperate zone, and extending through many degrees of latitude along the Atlantick, the United States enjoy all the varieties of climate, and every production incident to that portion of the globe. Penetrating, internally, to the great lakes, and beyond the sources of the great rivers which communicate through our whole interior, no country was ever happier with respect to its domain. Blessed, too, with a fertile soil, our produce has always been very abundant, leaving, even in years the least favourable, a surplus for the wants of our fellow men in other countries. Such is our peculiar felicity, that there is not a part of our union that is not particularly interested in preserving it. The great agricultural interest of the nation prospers under its protection. Local interests are not less fostered by it. Our

fellow citizens of the north, engaged in navigation, find great encouragement in being made the favoured carriers of the vast productions of the other portions of the United States, while the inhabitants of these are amply recompensed, in their turn, by the nursery for seamen and naval force, thus formed and reared up for the support of our common rights. Our manufactures find a generous encouragement by the policy which patronizes domestick industry; and the surplus of our produce, a steady and fitable market by local wants, in less favoured parts, at home.

Such, then, being the highly favoured condition of our country, it is the interest of every citizen to maintain it. What are the dangers which menace us? If any exist, they ought to be ascertained and guarded against.

In explaining my sentiments on this subject, it may be asked, what raised us to the present happy state? How did we accomplish the revolution? How remedy the defects of the first instrument of our union, by infusing into the national government sufficient power for national purposes, without impairing the just rights of the states, or affecting those of individuals? How sustain, and pass with glory through the late war? The government has been in the hands of the people. To the people, therefore, and to the faithful and able depositaries of their trust, is the credit due. Had the people of the United States been educated in different principles; had they been less intelligent, less independent, or less virtuous, can it be believed that we should have maintained the same steady and consistent career, or been blessed with the same success? While, then, the constituent body retains its present sound and healthful state, every thing will be safe. They will choose competent and faithful representatives for every department. It is only when the people become ignorant and corrupt; when they degenerate into a populace, that they are incapable of exercising the sovereignty. Usurpation is then an easy attainment, and an usurper soon found. The people themselves become the willing instruments of their own debasement and ruin. Let us, then, look to the great cause, and endeavour to preserve it in full force. Let us, by all wise and constitutional measures, promote intelligence among the people, as the best means of preserving our liberties.

Dangers from abroad are not less deserving of attention. Experiencing the fortune of other nations, the

United States may be again involved in war, and it may in that event be the object of the adverse party to upset our government—to break our union, and demolish us as a nation. Our distance from Europe, and the just, moderate, and pacifick policy of our government, may form some security against these dangers, but they ought to be anticipated and guarded against. Many of our citizens are engaged in commerce and navigation, and all of them are, in a certain degree, dependent on their prosperous state. Many are engaged in the fisheries. These interests are exposed to invasion in the wars between other powers, and we should disregard the faithful admonition of experience, if we did not expect it. We must support our rights or lose our character, and with it, perhaps, our liberties. A people who fail to do it, can scarcely be said to hold a place among independent nations. National honour is national property of the highest value. The sentiment in the mind of every citizen, is national strength. It ought, therefore, to be cherished.

To secure us against these dangers, our coast and inland frontiers should be fortified; our army and navy regulated upon just principles as to the force of each, be kept in perfect order, and our militia be placed on the best practicable footing. To put our extensive coast in such a state of defence as to secure our cities and interior from invasion, will be attended with expense, but the work when finished will be permanent; and it is fair to presume that a single campaign of invasion, by a naval force superior to our own, aided by a few thousand land troops, would expose us to greater expense, without taking into the estimate the loss of property and distress of our citizens, than would be sufficient for this great work. Our land and naval forces should be moderate, but adequate to the necessary purposes. The former, to garrison and preserve our fortifications, and to meet the first invasions of a foreign foe; and, while constituting the elements of a greater force, to preserve the science, as well as all the necessary implements of war, in a state to be brought into activity in the event of war. The latter, retained within the limits proper in a state of peace, might aid in maintaining the neutrality of the United States with dignity in the wars of other powers, and in saving the property of their citizens from spoliation. In time of war, with the enlargement of which the great naval resources of the

country render it susceptible, and which should be duly fostered in time of peace, it would contribute essentially, both as an auxiliary of defence and as a powerful engine of annoyance, to diminish the calamities of war, and to bring the war to a speedy and honourable termination.

But it ought always to be held prominently in view, that the safety of these states, and of every thing dear to a free people, must depend in an eminent degree on the militia. Invasions may be made too formidable to be resisted by any land and naval force which it would comport either with the principles of our government, or the circumstances of the United States, to maintain. In such cases, recourse must be had to the great body of the people, and in a manner to produce the best effect. It is of the highest importance, therefore, that they be so organized and trained as to be prepared for any emergency. The arrangement should be such as to put at the command of the government the ardent patriotism and youthful vigour of the country. If formed on equal and just principles, it cannot be oppressive. It is the crisis which makes the pressure—and not the laws, which provide a remedy for it. This arrangement should be formed too in time of peace, to be the better prepared for war. With such an organization, of such a people, the United States have nothing to dread from foreign invasion. At its approach, an overwhelming force of gallant men might always be put in motion.

Other interests of high importance will claim attention ; among which the improvement of our country by roads and canals, proceeding always with a constitutional sanction, holds a distinguished place. By thus facilitating the intercourse between the states, we shall add much to the convenience and comfort of our fellow citizens ; much to the ornament of the country ; and, what is of greater importance, we shall shorten distances, and by making each part more accessible to and dependent on the other, we shall bind the Union more closely together. Nature has done so much for us by intersecting the country with so many great rivers, bays, and lakes, approaching from distant points so near to each other, that the inducement to complete the work seems to be peculiarly strong. A more interesting spectacle was perhaps never seen than is exhibited within the limits of the United States ; a territory so vast and advantageously situated, containing objects so grand—so useful—so happily connected in all their parts !

Our manufactures will likewise require the systematick and fostering care of the government. Possessing, as we do, all the raw materials, the fruit of our own soil and industry, we ought not to depend, in the degree we have done, on supplies from other countries. While we are thus dependent, the sudden event of war, unsought and unexpected, cannot fail to plunge us into the most serious difficulties. It is important, too, that the capital which nourishes our manufactures should be domestick, as its influence in that case, instead of exhausting, as it may do in foreign hands, would be felt advantageously on agriculture and every other branch of industry. Equally important is it to provide at home a market for our raw materials, as, by extending the competition, it will enhance the price, and protect the cultivator against the casualties incident to foreign markets.

With the Indian tribes it is our duty to cultivate friendly relations, and to act with kindness and liberality in all our transactions. Equally proper is it to persevere in our efforts to extend to them the advantages of civilization.

The great amount of our revenue, and the flourishing state of the treasury, are a full proof of the competency of the national resources for any emergency, as they are of the willingness of our fellow citizens to bear the burdens, which the publick necessities require. The vast amount of vacant lands, the value of which daily augments, forms an additional resource of great extent and duration. These resources, besides accomplishing every other necessary purpose, put it completely in the power of the United States to discharge the national debt at an early period. Peace is the best time for improvement and preparation of every kind; it is in peace that our commerce flourishes most; that taxes are most easily paid, and that the revenue is most productive.

The Executive is charged officially, in the departments under it, with the disbursement of the publick money, and is responsible for the faithful application of it to the purposes for which it is raised. The legislature is the watchful guardian over the publick purse. It is its duty to see that the disbursement has been honestly made. To meet the requisite responsibility, every facility should be afforded to the Executive, to enable it to bring the publick agents, entrusted with the publick money, strictly and promptly to account. Nothing should be presumed against

them ; but if, with the requisite facilities, the publick money is suffered to lie, long and uselessly, in their hands, they will not be the only defaulters, nor will the demoralizing effect be confined to them. It will evince a relaxation and want of tone in the administration, which will be felt by the whole community. I shall do all I can to secure economy and fidelity in this important branch of the administration, and I doubt not that the legislature will perform its duty with equal zeal. A thorough examination should be regularly made, and I will promote it.

It is particularly gratifying to me, to enter on the discharge of these duties at a time when the United States are blessed with peace. It is a state most consistent with their prosperity and happiness. It will be my sincere desire to preserve it, so far as depends on the Executive, on just principles, with all nations—claiming nothing unreasonable of any, and rendering to each what is its due.

Equally gratifying is it to witness the increased harmony of opinion which pervades our union. Discord does not belong to our system. Union is recommended, as well by the free and benign principles of our government, extending its blessings to every individual, as by the other eminent advantages attending it. The American people have encountered together great dangers, and sustained severe trials with success. They constitute one great family, with a common interest. Experience has enlightened us on some questions of essential importance to the country. The progress has been slow, dictated by a just reflection, and a faithful regard to every interest connected with it. To promote this harmony, in accord with the principles of our republican government, and in a manner to give them the most complete effect, and to advance in all other respects the best interests of our union, will be the object of my constant and zealous exertions.

Never did a government commence under auspices so favourable, nor ever was success so complete. If we look to the history of other nations, ancient or modern, we find no example of a growth so rapid—so gigantick ; of a people so prosperous and happy. In contemplating what we have still to perform, the heart of every citizen must expand with joy, when he reflects how near our government has approached to perfection ; that, in respect to it, we have no essential improvement to make ; that the

great object is, to preserve it in the essential principles and features which characterize it, and that that is to be done by preserving the virtue and enlightening the minds of the people ; and, as a security against foreign dangers, to adopt such arrangements as are indispensable to the support of our independence, our rights and liberties. If we persevere in the career in which we have advanced so far, and in the path already traced, we cannot fail, under the favour of a gracious Providence, to attain the high destiny which seems to await us.

In the administrations of the illustrious men who have preceded me in this high station, with some of whom I have been connected by the closest ties from early life, examples are presented which will always be found highly instructive and useful to their successors. From these I shall endeavour to derive all the advantages which they may afford. Of my immediate predecessor, under whom so important a portion of this great and successful experiment has been made, I shall be pardoned for expressing my earnest wishes that he may long enjoy, in his retirement, the affections of a grateful country—the best reward of exalted talents, and the most faithful and meritorious services. Relying on the aid to be derived from the other departments of the government, I enter on the trust to which I have been called by the suffrages of my fellow citizens, with my fervent prayers to the Almighty, that He will be graciously pleased to continue to us that protection which he has already so conspicuously displayed in our favour.

JAMES MONROE.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS. DEC. 2, 1817.

Fellow Citizens of the Senate,
and of the House of Representatives,

AT no period of our political existence had we so much cause to felicitate ourselves at the prosperous and happy condition of our country. The abundant fruits of the earth have filled it with plenty. An extensive and profitable commerce has greatly augmented our revenue. The

publick credit has attained an extraordinary elevation. Our preparations for defence, in case of future wars, from which, by the experience of all nations, we ought not to expect to be exempted, are advancing, under a well digested system, with all the despatch which so important a work will admit. Our free government, founded on the interest and affections of the people, has gained, and is daily gaining, strength. Local jealousies are rapidly yielding to more generous, enlarged, and enlightened views of national policy. For advantages so numerous, and highly important, it is our duty to unite in grateful acknowledgments to that Omnipotent Being, from whom they are derived, and in unceasing prayer, that he will endow us with virtue and strength to maintain and hand them down, in their utmost purity, to our latest posterity.

I have the satisfaction to inform you, that an arrangement, which had been commenced by my predecessor, with the British government for the reduction of the naval force, by Great Britain and the United States, on the lakes, has been concluded; by which it is provided, that neither party shall keep in service on lake Champlain more than one vessel; on lake Ontario, more than one; and on lake Erie, and the upper lakes, more than two; to be armed, each, with one cannon only; and that all the other armed vessels, of both parties, of which an exact list is interchanged, shall be dismantled. It also agreed, that the force retained shall be restricted, in its duty, to the internal purposes of each party; and that the arrangement shall remain in force until six months shall have expired, after notice given by one of the parties to the other of its desire that it should terminate. By this arrangement, useless expense, on both sides, and, what is of still greater importance, the danger of collision, between armed vessels, in those inland waters, which was great, is prevented. I have the satisfaction also to state, that the commissioners, under the fourth article of the treaty of Ghent, to whom it was referred to decide, to which party the several islands in the bay of Passamaquoddy belonged, under the treaty of one thousand seven hundred and eighty-three, have agreed in a report, by which all the islands in the possession of each party before the late war have been decreed to it. The commissioners, acting under the other articles of the treaty of Ghent, for the settlement of boundaries, have also been engaged in the discharge of their

respective duties, but have not yet completed them. The difference which arose between the two governments under that treaty, respecting the right of the United States to take and cure fish on the coast of the British provinces, north of our limits, which had been secured by the treaty of 1783, is still in negotiation. The proposition made by this government, to extend to the colonies of Great Britain the principle of the convention of London, by which the commerce between the ports of the United States and British ports in Europe, had been placed on a footing of equality, has been declined by the British government. This subject having been thus amicably discussed between the two governments, and it appearing that the British government is unwilling to depart from its present regulations, it remains for Congress to decide, whether they will make any other regulations, in consequence thereof, for the protection and improvement of our navigation.

The negotiation with Spain, for spoliations on our commerce, and the settlement of boundaries, remains, essentially, in the state it held, by the communications that were made to Congress by my predecessor. It has been evidently the policy of the Spanish government to keep the negotiation suspended, and in this the United States have acquiesced, from an amicable disposition towards Spain, and in the expectation that her government would, from a sense of justice, finally accede to such an arrangement as would be equal between the parties. A disposition has been lately shown by the Spanish government to move in the negotiation, which has been met by this government, and, should the conciliatory and friendly policy, which has invariably guided our councils, be reciprocated, a just and satisfactory arrangement may be expected. It is proper, however, to remark, that no proposition has yet been made from which such a result can be presumed.

It was anticipated at an early stage, that the contest between Spain and the colonies would become highly interesting to the United States. It was natural that our citizens should sympathize in events which affected their neighbours. It seemed probable, also, that the prosecution of the conflict along our coast, and in contiguous countries, would occasionally interrupt our commerce, and otherwise affect the persons and property of our citizens. These anticipations have been realized. Such injuries have been received from persons acting under the

authority of both the parties, and for which redress has, in most instances, been withheld. Through every stage of the conflict, the United States have maintained an impartial neutrality, giving aid to neither of the parties in men, money, ships or munitions of war. They have regarded the contest, not in the light of an ordinary insurrection or rebellion, but as a civil war between parties nearly equal, having as to neutral powers, equal rights. Our ports have been open to both, and every article, the fruit of our soil, or of the industry of our citizens, which either was permitted to take, has been equally free to the other. Should the colonies establish their independence, it is proper now to state, that this government neither seeks nor would accept from them, any advantage in commerce, or otherwise, which will not be equally open to all other nations. The colonies will, in that event, become independent states, free from any obligation to, or connexion with, us, which it may not then be their interest to form on the basis of a fair reciprocity.

In the summer of the present year, an expedition was set on foot against East Florida, by persons claiming to act under the authority of some of the colonies, who took possession of Amelia Island, at the mouth of the St. Mary's river, near the boundary of the state of Georgia. As this province lies eastward of the Mississippi, and is bounded by the United States and the ocean on every side, and has been a subject of negotiation with the government of Spain, as an indemnity for losses by spoliation, or in exchange for territory of equal value, westward of the Mississippi, a fact well known to the world, it excited surprise, that any countenance should be given to this measure by any of the colonies. As it would be difficult to reconcile it with the friendly relations existing between the United States and the colonies, a doubt was entertained, whether it had been authorized by them, or any of them. This doubt has gained strength, by the circumstances which have unfolded themselves in the prosecution of the enterprise, which have marked it as a mere private, unauthorized adventure. Projected and commenced with an incompetent force, reliance seems to have been placed on what might be drawn, in defiance of our laws, from within our limits; and of late, as their resources have failed, it has assumed a more marked character of unfriendliness to us; the island being made a channel for the illicit introduction of slaves from Africa, into the United States, an asylum

for fugitive slaves from the neighbouring states, and a port for smuggling of every kind.

A similar establishment was made, at an earlier period, by persons of the same description, in the gulf of Mexico, at a place called Galvezton, within the limits of the United States, as we contend, under the cession of Louisiana. This enterprise has been marked, in a more signal manner, by all the objectionable circumstances which characterized the other, and more particularly by the equipment of privateers which have annoyed our commerce, and by smuggling. These establishments, if ever sanctioned by any authority whatever, which is not believed, have abused their trust, and forfeited all claim to consideration. A just regard for the rights and interests of the United States required that they should be suppressed, and orders have been accordingly issued to that effect. The imperious considerations which produced this measure will be explained to the parties whom it may, in any degree, concern.

To obtain correct information on every subject in which the United States are interested; to inspire just sentiments in all persons in authority, on either side, of our friendly disposition, so far as it may comport with an impartial neutrality; and to secure proper respect to our commerce in every port, and from every flag, it has been thought proper to send a ship of war, with three distinguished citizens, along the southern coast, with instruction to touch at such ports as they may find most expedient for these purposes. With the existing authorities, with those in the possession of, and exercising the sovereignty, must the communication be held; from them alone can redress for past injuries, committed by persons acting under them, be obtained; by them alone can the commission of the like, in future, be prevented.

Our relations with the other powers of Europe have experienced no essential change since the last session. In our intercourse with each, due attention continues to be paid to the protection of our commerce, and to every other object in which the United States are interested. A strong hope is entertained, that by adhering to the maxims of a just, a candid, and friendly policy, we may long preserve amicable relations with all the powers of Europe, on conditions advantageous and honourable to our country.

With the Barbary states and the Indian tribes, our pacific relations have been preserved.

In calling your attention to the internal concerns of our country, the view which they exhibit is peculiarly gratifying. The payments which have been made into the treasury show the very productive state of the publick revenue. After satisfying the appropriations made by law for the support of the civil government, and of the military and naval establishments, embracing suitable provision for fortifications and for the gradual increase of the navy, paying the interest of the publick debt, and extinguishing more than eighteen millions of the principal, within the present year, it is estimated that a balance of more than six millions of dollars will remain in the treasury on the first day of January next, applicable to the current service of the ensuing year. The payments into the treasury during the year 1818, on account of imposts and tonnage, resulting principally from duties which have accrued in the present year, may be fairly estimated at twenty millions; internal revenues, at two millions five hundred thousand; publick lands, at one million five hundred thousand; bank dividends and incidental receipts, at five hundred thousand; making in the whole, twenty-four millions five hundred thousand dollars.

The annual permanent expenditure for the support of the civil government, and of the army and navy, as now established by law, amounts to eleven millions eight hundred thousand dollars; and for the sinking fund, to ten millions; making in the whole, twenty-one millions and eight hundred thousand; leaving an annual excess of revenue beyond the expenditure of two millions seven hundred thousand dollars, exclusive of the balance estimated to be in the treasury on the first day of January, 1818.

In the present state of the treasury, the whole of the Louisiana debt may be redeemed in the year 1819; after which, if the publick debt continues as it now is, above par, there will be annually about five millions of the sinking fund unexpended, until the year 1825, when the loan of 1812, and the stock created by funding treasury notes, will be redeemable.

It is also estimated that the Mississippi stock will be discharged during the year 1819, from the proceeds of the publick lands assigned to that object, after which the receipts from those lands will annually add to the publick revenue the sum of one million five hundred thousand dollars, making the permanent annual revenue amount to twenty-six millions, and leaving an annual excess of

revenue, after the year 1819, beyond the permanent authorized expenditure, of more than four millions of dollars.

By the late returns of the department of war, the militia force of the several states may be estimated at eight hundred thousand men, infantry, artillery and cavalry. Great part of this force is armed, and measures are taken to arm the whole. An improvement in the organization and discipline of the militia, is one of the great objects which claims the unremitted attention of Congress.

The regular force amounts nearly to the number required by law, and is stationed along the Atlantick and inland frontiers.

Of the naval force it has been necessary to maintain strong squadrons in the Mediterranean and in the gulf of Mexico.

From several of the Indian tribes, inhabiting the country bordering on lake Erie, purchases have been made of lands, on conditions very favourable to the United States, and as it is presumed, not less so to the tribes themselves. By these purchases, the Indian title, with moderate reservations, has been extinguished, to the whole of the land within the limits of the state of Ohio, and to a part of that in the Michigan Territory, and of the state of Indiana. From the Cherokee tribe a tract has been purchased in the state of Georgia, and an arrangement made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole, of the land belonging to that tribe, eastward of that river, in the states of North Carolina, Georgia, and Tennessee, and in the Alabama Territory, will soon be acquired. By these acquisitions, and others that may reasonably be expected soon to follow, we shall be enabled to extend our settlements from the inhabited parts of the state of Ohio, along lake Erie into the Michigan Territory, and to connect our settlements, by degrees, through the state of Indiana and the Illinois Territory, to that of Missouri. A similar and equally advantageous effect will soon be produced to the south, through the whole extent of the states and territory which border on the waters emptying into the Mississippi and the Mobile. In this progress, which the rights of nature demand, and nothing can prevent, marking a growth rapid and gigantick, it is our duty to make new efforts for the preservation, improvement, and civili-

zation of the native inhabitants. The hunter state can exist only in the vast uncultivated desert. It yields to the more dense and compact form, and greater force, of civilized population; and of right it ought to yield, for the earth was given to mankind to support the greatest number of which it is capable, and no tribe or people have a right to withhold from the wants of others more than is necessary for their own support and comfort. It is gratifying to know that the reservations of land made by the treaties with the tribes on Lake Erie, were made with a view to individual ownership among them, and to the cultivation of the soil by all, and that an annual stipend has been pledged to supply their other wants. It will merit the consideration of Congress, whether other provision, not stipulated by treaty, ought to be made for these tribes, and for the advancement of the liberal and humane policy of the United States towards all the tribes within our limits, and more particularly for their improvement in the arts of civilized life.

Among the advantages incident to these purchases, and to those which have preceded, the security which may thereby be afforded to our inland frontiers is peculiarly important. With a strong barrier, consisting of our own people thus planted on the lakes, the Mississippi, and the Mobile, with the protection to be derived from the regular forces, Indian hostilities, if they do not altogether cease, will henceforth lose their terroure. Fortifications in those quarters, to any extent, will not be necessary, and the expense attending them may be saved. A people accustomed to the use of fire arms only, as the Indian tribes are, will shun even moderate works, which are defended by cannon. Great fortifications, will, therefore, be requisite only, in future, along the coast, and at some points in the interior, connected with it. On these will the safety of our towns, and the commerce of our great rivers, from the bay of Fundy to the Mississippi, depend. On these, therefore, should the utmost attention, skill, and labour, be bestowed.

A considerable and rapid augmentation in the value of all the publick lands, proceeding from these and other obvious causes, may henceforward be expected. The difficulties attending early emigrations, will be dissipated even in the most remote parts. Several new states have been admitted into our Union, to the west and south, and terri-

torial governments, happily organized, established over every other portion, in which there is vacant land for sale. In terminating Indian hostilities, as must soon be done, in a formidable shape at least, the emigration, which has heretofore been great, will probably increase, and the demand for land, and the augmentation in its value, be in like proportion. The great increase of our population throughout the Union will alone produce an important effect, and in no quarter will it be so sensibly felt as in those in contemplation. The publick lands are a publick stock, which ought to be disposed of to the best advantage for the nation. The nation should, therefore, derive the profit proceeding from the continual rise in their value. Every encouragement should be given to the emigrants, consistent with a fair competition between them, but that competition should operate in the first sale to the advantage of the nation rather than of individuals. Great capitalists will derive all the benefit incident to their superior wealth, under any mode of sale which may be adopted. But if, looking forward to the rise in the value of the publick lands, they should have the opportunity of amassing, at a low price, vast bodies in their hands, the profit will accrue to them, and not to the publick. They would also have the power, in that degree, to control the emigration and settlement in such manner as their opinion of their respective interests might dictate. I submit this subject to the consideration of Congress, that such further provision may be made in the sale of the publick lands, with a view to the publick interest, should any be deemed expedient, as in their judgment may be best adapted to the object.

When we consider the vast extent of territory within the United States; the great amount and value of its productions; the connexion of its parts, and other circumstances, on which their prosperity and happiness depend, we cannot fail to entertain a high sense of the advantage to be derived from the facility which may be afforded in the intercourse between them, by means of good roads and canals. Never did a country of such vast extent offer equal inducements to improvements of this kind, nor ever were consequences of such magnitude involved in them. As this subject was acted on by Congress at the last session, and there may be a disposition to revive it at the present, I have brought it into view, for the purpose

of communicating my sentiments on a very important circumstance connected with it, with that freedom and candour which a regard for the publick interest, and a proper respect for Congress, require. A difference of opinion has existed from the first formation of our constitution, to the present time, among our most enlightened and virtuous citizens, respecting the right of Congress to establish such a system of improvement. Taking into view the trust with which I am now honoured, it would be improper, after what has passed, that this discussion should be revived, with an uncertainty of my opinion respecting the right. Disregarding early impressions, I have bestowed on the subject all the deliberation which its great importance, and a just sense of my duty required, and the result is, a settled conviction in my mind, that Congress do not possess the right. It is not contained in any of the specified powers granted to Congress; nor can I consider it incident to, or a necessary mean, viewed on the most liberal scale, for carrying into effect any of the powers which are specifically granted. In communicating this result, I cannot resist the obligation which I feel, to suggest to Congress the propriety of recommending to the states the adoption of an amendment to the constitution, which shall give to Congress the right in question. In cases of doubtful construction, especially of such vital interest, it comports with the nature and origin of our institutions, and will contribute much to preserve them, to apply to our constituents for an explicit grant of the power. We may confidently rely, that if it appears to their satisfaction, that the power is necessary, it will always be granted. In this case I am happy to observe, that experience has afforded the most ample proof of its utility, and that the benign spirit of conciliation and harmony, which now manifests itself throughout our Union, promises to such a recommendation the most prompt and favourable result. I think proper to suggest, also, in case this measure is adopted, that it be recommended to the states to include, in the amendment sought, a right in Congress to institute, likewise, seminaries of learning for the all-important purpose of diffusing knowledge among our fellow citizens throughout the United States.

Our manufactories will require the continued attention of Congress. The capital employed in them is considerable, and the knowledge acquired in the machinery and

fabrick of all the most useful manufactures, is of great value. Their preservation, which depends on due encouragement, is connected with the high interests of the nation.

Although the progress of the publick buildings has been as favourable as circumstances have permitted, it is to be regretted that the capitol is not yet in a state to receive you. There is good cause to presume, that the two wings, the only parts as yet commenced, will be prepared for that purpose at the next session. The time seems now to have arrived, when this subject may be deemed worthy the attention of Congress, on a scale adequate to national purposes. The completion of the middle building will be necessary to the convenient accommodation of Congress, of the committees, and various offices belonging to it. It is evident that the other publick buildings are altogether insufficient for the accommodation of the several executive departments, some of whom are much crowded, and even subjected to the necessity of obtaining it in private buildings, at some distance from the head of the department, and with inconvenience to the management of the publick business. Most nations have taken an interest and a pride in the improvement and ornament of their metropolis, and none were more conspicuous in that respect than the ancient republicks. The policy which dictated the establishment of a permanent residence for the national government, and the spirit in which it was commenced and has been prosecuted, show that such improvement was thought worthy the attention of this nation. Its central position, between the northern and southern extremes of our Union, and its approach to the west, at the head of a great navigable river, which interlocks with the western waters, prove the wisdom of the councils which established it. Nothing appears to be more reasonable and proper, than that convenient accommodation should be provided, on a well digested plan, for the heads of the several departments, and of the attorney general; and it is believed that the publick ground in the city, applied to those objects will be found amply sufficient. I submit this subject to the consideration of Congress, that such further provision may be made in it, as to them may seem proper.

In contemplating the happy situation of the United States, our attention is drawn, with peculiar interest, to

the surviving officers and soldiers of our revolutionary army, who so eminently contributed, by their services, to lay its foundation. Most of those very meritorious citizens have paid the debt of nature and gone to repose. It is believed, that among the survivors, there are some not provided for by existing laws, who are reduced to indigence, and even to real distress. These men have a claim on the gratitude of their country, and it will do honour to their country to provide for them. The lapse of a few years more, and the opportunity will be for ever lost: indeed, so long already has been the interval, that the number to be benefitted by any provision which may be made, will not be great.

It appearing in a satisfactory manner that the revenue arising from imposts and tonnage, and from the sale of the publick lands, will be fully adequate to the support of the civil government, of the present military and naval establishments, including the annual augmentation of the latter to the extent provided for, to the payment of the interest on the publick debt, and to the extinguishment of it at the times authorized, without the aid of the internal taxes, I consider it my duty to recommend to Congress their repeal. To impose taxes, when the publick exigences require them, is an obligation of the most sacred character, especially with a free people. The faithful fulfilment of it is among the highest proofs of their virtue, and capacity for self-government. To dispense with taxes, when it may be done with perfect safety, is equally the duty of their representatives. In this instance we have the satisfaction to know that they were imposed when the demand was imperious, and have been sustained with exemplary fidelity. I have to add, that, however gratifying it may be to me, regarding the prosperous and happy condition of our country, to recommend the repeal of these taxes at this time, I shall nevertheless be attentive to events, and, should any future emergency occur, be not less prompt to suggest such measures and burdens, as may then be requisite and proper.

JAMES MONROE.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES, RELATIVE TO THE INVASION
OF AMELIA ISLAND AND GALVEZTON. DEC. 15, 1817.

IN compliance with the resolution of the House of Representatives, of the 8th of this month, I transmit, for the information of the House, a report from the Secretary of State, with the documents referred to in it, containing all the information in the possession of the Executive, which it is proper to disclose, relative to certain persons who lately took possession of Amelia Island, and Galvezton.

JAMES MONROE.

Department of State, Dec. 13, 1817.

THE Secretary of State, to whom has been referred the resolution of the House of Representatives of the 8th inst. requesting the President to lay before the House any information he may possess, and think proper to communicate, relative to the proceedings of certain persons who took possession of Amelia Island, at the mouth of St. Mary's river, in the summer of the present year, and made an establishment there; and relative to a similar establishment, previously made at Galvezton, has the honour to submit to the President the accompanying papers, containing the information received at the respective Departments of State, the Treasury, and the Navy, upon the subjects embraced by the resolution. JOHN QUINCY ADAMS.

Papers communicated with the Report from the Department of State, of December 13, 1817, to the President.

EXTRACTS of a letter from Natchitoches, Louisiana, to a gentleman in the city of Washington, communicated to the Department of State, dated February 4, 1817.

Extracts of two letters from Robert M. Harrison, Esq. consul at St. Thomas, to the Secretary of State, dated April 20th, and May 30th, 1817.

The Secretary of the Treasury to Secretary of State, dated November 21, 1817, communicating

Extracts of a letter to him from Beverly Chew, Esq. collector of the customs, New Orleans, dated Aug. 1, 1817.

Letter—Same to same, dated August 30, 1817.

Same to same, dated October 17, 1817.

Affidavit of Beverly Chew, dated 6th October, 1817, in relation to libels, before the district court of the United States, for Louisiana, vs. cargoes of Juana, Eliza, Carmelite, and Diana.

The same, vs. ninety boxes of sugar.

The same, vs. sundry goods, &c. part of the schooner Mount Vernon's cargo.

Petition of Beverly Chew to judge Hall.

Additional testimony, in sundry cases, pending in the United States' district court, Louisiana, vs. sundry vessels and cargoes from Galvezton.

Extract of a letter from Mr. M'Intosh to Mr. Crawford, Secretary of the Treasury, dated October 30, 1817.

Extract of a letter from Mr. Clark, collector of the customs, at St. Mary's, dated November 1, 1817.

Extract of a letter from lieutenant commandant B. V. Hoffman, to captain Charles Morris, dated Jan. 18, 1817.

Extract of a letter from captain Morris to the Secretary of the Navy, dated frigate Congress, off the Balize, March 4, 1817.

Captain Daniel T. Patterson, to Secretary Navy, dated New Orleans, August 4, 1817, communicating

Memorial of merchants of N. Orleans, of July 28, 1817.

Protest of William B. Cox, late mate of the American brig Charles, at New Orleans, 25th July, 1817.

Protest of captain Louis Dequemenil de Morant, at New Orleans, 28th July, 1817.

Same, of Jean Baptiste Revarde, same place and date.

Deposition of Lanusse, owner of the brig Charles of New Orleans, of Jn. Ble. Revarde, owner of the brig Pomona, and Louis Dequemenil de Morant, owner of the brig Freelove, at New Orleans, 28th July, 1817.

Translation of a protest of Casimer Rieto, captain of the American brig Carlos, against the privateer Congress, June 30, 1817.

Extract of a letter from captain Charles Morris, United States' frigate Congress, off the Balize, dated June 10, 1817, to the Secretary of the Navy.

Extract of a letter from lieutenant commandant John Porter, dated United States' brig Boxer, off the Balize. June 28, 1817, to Secretary of Navy.

Extract of a letter from commodore D. T. Patterson to Secretary of Navy, dated New Orleans, July 28, 1817.

Extract of a letter from the deputy collector of the port of New York, to captain Samuel Evans, dated September 8, 1817.

Extract of a letter from captain John H. Elton to Secretary of Navy, dated September 26, 1817, on board United States' brig Saranac, Cumberland Sound.

Extracts from the same to the same, dated Oct. 10, 1817.

Extract, same to same, dated October 19, 1817.

Extract, same to same, Cumberland Island, November 15, 1817, communicating

Copy of a letter from him to — Aury, commanding at Fernandina, dated United States' brig Saranac, Cumberland Island, November 3, 1817.

Same to same, dated brig Saranac, Cumberland Sound, November 9, 1817.

Four letters from — Aury, to captain Elton, dated at Fernandina, November 4th, 9th, 11th, and 12th, 1817.

Extract of a letter from Thomas Waine, Esq. purser on board the United States' brig Saranac, dated St. Mary's river, September 27, 1817, to Benjamin Homans, Esq. chief clerk, Navy Department.

A. G. Villeret, to captain John H. Elton, dated Fernandina, November 4, 1817.

A register of the proceedings at Galvezton—translation, 15th April, 1817.

Extract of a Letter from Natchitoches, state of Louisiana, dated February 4, 1817, to a gentleman at the city of Washington.

SEVERAL gentlemen have lately arrived here from the Republican Rendezvous, (Serpent Island) on Galvezton bay, near the mouth of Trinity river, who generally agree in their statements. They have four hundred land troops, commanded by colonel Perry; twelve or fifteen sail of vessels: commodore Aury commands the whole. Colonel Young, late of the 49th [should be 29th] regiment, with captain Brush, and several other officers and two hundred and fifty men, arrived there about a month and a half ago, with general Mino, and a Mr. Stewart, late from

England. It is said the general has half a million of dollars at his disposition, furnished by a society in London, of which Mr. Stewart is the acting agent. The men are well supplied with every thing, and paid monthly ; and it is suggested, that they will move to the southward early in the spring. They have lost by accident, since they have been there, five vessels and considerable property : they take and bring in prizes frequently. Commodore Aury is stiled governour, and presides himself in the court of admiralty. General Bernardo is here, doing what he can, and draws on commodore Aury for money : his bills are paid at sight. Some people came lately from St. Antonio, and say there are not more than two hundred men at the different posts, this side of river Grand, who would join any respectable republican force that may arrive there. No people can exist under more misery than is experienced at St. Antonio. We hear doctor Robinson is drowned in crossing a river near Vera Cruz. I am afraid it is true : he has lived months in my house : I never knew a man possessing more private virtues. We hear the republicans have taken the city of Altimiro, at the mouth of Tompico river, and an escort of mules loaded with silver.

Extracts of Letters from Robert M. Harrison, Esq. Consul of the United States, at the Island of St. Thomas, to the Secretary of State, dated April 20, 1817.

“ THE increasing number of American seamen, whose ill success in the privateers, and pirates that infest those seas, induces them to relinquish those unprofitable pursuits, whenever an opportunity offers, and who almost universally swarm to this island to claim my protection and support, so that they daily almost surround my door, renders it again my duty to request instructions from the Department of State. I have not yet extended to such men, any more than a partial assistance, though many of them are in the greatest possible distress, considering that the expenditure of such large sums of money, might be considered as advancing beyond the bounds of my duty. It is much to be regretted that the disappointment sustained by so great a number of our seamen, should not be sufficient to deter others from embarking in such enterprizes.”

St. Thomas, May 30, 1817.

“ NUMBERS of American vessels, originally bound to the

Spanish Main, where their cargoes could have been disposed of to great advantage, have been deterred from a prosecution of their voyage, from a dread of the piratical cruisers that infest those seas, and have been actually obliged to sacrifice their property here, whilst English vessels prosecute the trade in perfect safety, merely from the circumstance of there being a few British vessels of war on the West India seas. The presence of one of our smallest armed vessels would completely awe those marauders, and enable our merchant vessels to prosecute a legal trade in safety. Her presence, (of the Boxer,) in this neighbourhood would be attended with the most salutary effects."

Letter from Secretary of Treasury to Secretary of State, dated November 21, 1817.

THE Secretary of the Treasury presents his respects to the Secretary of State, and has the honour of transmitting to him copies of the communications which have been received at this department, concerning the occupation of Galvezton, and Amelia Island, by persons sailing under the various flags of the independent governments of North and South America, late Spanish provinces.

Extracts of a Letter from Beverly Chew, Esq. Collector at New Orleans, to Mr. Crawford, dated August 1, 1817.

"As it is your wish that every attempt to evade the provisions of the existing laws, should be communicated to the Department, accompanied by suggestions of the measures necessary to repress the evil, I deem it my duty to state, that the most shameful violations of the slave act, as well as our revenue laws, continue to be practised, with impunity, by a motley mixture of freebooters and smugglers, at Galvezton, under the Mexican flag, and being, in reality, little else than the re-establishment of the Barrataria band, removed somewhat more out of the reach of justice, and unless the officers of the customs are provided with more effectual means for the enforcement of the laws, the Treasury must suffer incalculably. To give you a more correct idea of this establishment, it will be necessary to be a little prolix, which I beg you will excuse. Galvezton is a small island or sand bar, situate in the bay of St. Bernard, on the coast of Texas, about ninety miles west of the Sabine, within the jurisdictional limits claimed by

the United States, in virtue of the cession of Louisiana to them, by France. The establishment was recently made there by a commodore Aury, with a few small schooners from Aux Cayes, manned, in a great measure, with refugees from Barrataria, and mulattoes. This establishment was reinforced by a few more men from different points of the coast of Louisiana, the most efficient part of them being principally mariners, (Frenchmen or Italians,) who have been hanging loose upon society in and about New Orleans, in greater or smaller numbers, ever since the breaking up the establishment at Barrataria. Colonel Perry commanded one party, of about eighty or ninety men, of this new community, who had been enlisted principally as soldiers, within our jurisdiction; and Mr. Herrarra, coming with a few followers from New Orleans, brought up the rear, and then announced the establishment to the world, by a proclamation, attested by a Frenchman, by the name of Morin very recently a bankrupt auctioneer, in New Orleans, as secretary of state. From this new station, fed and drawing all its resources from New Orleans, and keeping up a regular intelligence, through a variety of channels, with their friends here, an active system of plunder was commenced on the high seas, chiefly of Spanish property, but often without much concern as to the national character, particularly when money was in question. The captures made by their numerous cruisers, (many owned by citizens of the United States,) were condemned by a pretended court of admiralty there, as prizes, and the cargoes introduced into this state, principally in a clandestine manner. The vessels, thus condemned, have generally come here under new names, and with the Mexican flag. Some of them have been detained by the United States' naval force, for hovering in our waters, and others have been libelled for restitution, by the Spanish consul, in behalf of the original owners, and though several trials have come on before the honourable the United States' district court for the district of Louisiana, and the claimants have never been able to produce proof of the government of Galvezton having ever been authorized by the Mexican republic; and restitution has been decreed in several instances. There is no evidence of the establishment having been made or sanctioned by, or connected with, a Mexican republic, if one be now existing, and the presumption of such an actual establishment, under

such authority, is strongly repelled, by the illegal and piratical character of the establishment, and its ambulatory nature, it is not only of very recent origin, but is clothed with no character of permanency; for, it was abandoned about the 5th of April, and transferred to Matagorda, leaving, at Galvezton, only an advice boat, to advertise such privateers and prizes which might arrive there, of the spot on which they had fixed their new residence. Some days after the abandonment of Galvezton, several privateers arrived there, and among the rest, the General Artigas, commanded by one G. Champlin, of New York, with two schooners, her prizes, the Patronila, with one hundred and seventy-four slaves, and the Enrequita, with one hundred and thirteen slaves; and also, a Spanish and Portuguese vessel, and the American schooner Evening Post, of New York, Calvin Williams master, prizes to the —, captain Maurice Nicholas Jolly.

Among the most conspicuous characters who happened to be then at Galvezton, were many of the notorious offenders against our laws, who had so lately been indulged with a remission of the punishment, who, so far from gratefully availing themselves of the lenity of the government to return to, or commence an orderly and honest life, seem to have regarded its indulgence almost as an encouragement to a renewal of their offences. You will readily perceive I allude to the Barratarians, among whom the Lafittes may be classed foremost, and most actively engaged in the Galvezton trade, and owners of several cruisers under the Mexican flag. Many of our citizens are equally guilty, and are universally known to be owners of the same kind of vessels. A number of these characters being at Galvezton after the abandonment, readily saw the advantages that would result in the re-establishment of a government at that place, its situation, so immediately in the vicinity of our settlements, being much preferable to Matagorda, their views being entirely confined to introducing their captures into this state; accordingly, a meeting was called on the 15th April, and it was resolved to re-establish the government, and a true copy of their deliberations you have enclosed. I can vouch for the correctness of the copy, having received it from a person of undoubted veracity; and thus, without even the semblance of authority from the Mexican republick, they

immediately proceeded to condemn vessels and cargoes as good prizes, and to introduce them into this port, and among the rest the cargo of the Evening Post. It was some time before this was known here, great pains having been taken to keep it secret. Since it has been known, I have felt it my duty to report all vessels and cargoes which have arrived here from Galvezton, to the district attorney, who has had them arrested under the Spanish treaty, but owing to the unfortunate absence of the judge, no decision can be had thereon. These steps of the officers of the port have irritated the Barratarian gentlemen and their connexions in a high degree, and representations filled with falsehoods, will probably be made against them, particularly on the score of enmity to the patriotick cause. As well might a man be accused of being an enemy to personal liberty who arrests and confines a robber, as that the officers of the port of New Orleans should be accused of being unfriendly to the revolution in the Spanish provinces, because they attempted to prevent a lawless establishment at Galvezton from violating the laws. The prizes made by the privateers under the Mexican flag, are to a very large amount of merchandize, such as jewelry, laces, silks, linen, britanias, muslins, seersuckers, calicoes, &c. &c. all of which are repacked in small bales, of convenient size for transportation on mules, and th'e greatest part introduced clandestinely. Other articles, such as iron, nails, tallow, leather, glass ware, crockery, cordage, beef, &c. are brought here in their prizes. It is stated, and universally believed, that captain Champlin sold the slaves captured in the Patronilla and Enrequita to the Lafittes, Sauvinet, and other speculators in this place, who have or will resell to the planters, and the facility offered to smugglers by the innumerable inlets, are too obvious on a view of the map to doubt but they either are or will be all introduced into this state, without the possibility of the officers of the revenue being able to prevent or punish them; more especially as a great portion of the population are disposed to countenance them in violating our laws. A few days ago information having been given that one of our citizens had gone to the W. with a very considerable sum in specie, to purchase slaves for himself and two other planters, I determined to make an effort to arrest him on his return, and immediately purchased a fine boat on account of the

government, (which had been lately captured by a party I had sent on lake Ponchartrain, and condemned for a violation of the slave act) which I have sent under the command of an active, enterprising inspector, with a military guard of twelve men, and am in great hopes of his falling in with and capturing the party. I am persuaded you will approve of my not writing for instructions, at the risk of seeing the laws violated with impunity, and I cannot but hope the government will see the necessity of giving instructions to the naval force on this station to prevent the re-establishment of Galvezton, otherwise the bay will no longer be safe for any flag. Since they have been denied shelter in Port au Prince, they have no other asylum than Galvezton. On the part of these pirates we have to contend with, we behold an extended and organized system of enterprise, of ingenuity, of indefatigability, and of audacity, favoured by a variety of local advantages and supported always by force of arms; and unless they be met by correspondent species of resistance, the results of the contest are of very simple calculation."

"You will, I trust, see the necessity of either granting a certain number of revenue cutters, of the description I have mentioned, or that the naval force on this station may be enjoined strictly to prevent these privateers from hovering in our waters and violating our laws. It is a fact you may rely on, all the cruises of these privateers commence and end at this port; they enter in distress, comply with the formalities of the law, and if they do not augment their force and renew their crews in port, they do it in our waters, and it is not in my power to prevent it."

*Mr. Chew, Collector at New Orleans, to Mr. Crawford.
August 30, 1817.*

SIR,—In the communication which I had the honour to make you, under date first instant, I gave such information respecting the establishment at Galvezton as I had collected; since then the depositions of Messrs. J. Ducoing and V. Garros (ex-judges of admiralty at that place, and now here) have been taken, and I herewith transmit you copies, which go to substantiate the material fact stated by me, and I make no doubt but you will be satisfied of the correctness of the assertion, that the establishment of Galvezton is nothing more or less, than one of privateersmen.

without even the shadow of a connexion with a Mexican republick, if such a republick exists, and as such will not, I presume, be countenanced by the government of the United States. It has been reported to me, and from a source deserving credit, that the principal part of the force from Matagorda and Soto de la Marina, had returned to Galvezton, and that two prizes with slaves have recently arrived, one a schooner with a full cargo, said to be 300, (probably exaggerated,) that a contagious fever having made its appearance among the slaves, the privateersmen apprehensive of its communicating to the other prize, cut the cables, and sent the schooner adrift with the unfortunate being on board!!! The other prize a ship, with 400 slaves, was lying there, and they have altogether about 650 slaves on hand, all of whom intended to be introduced in this state.

The United States' brig Boxer, has sent in two small schooners with 30 slaves on board, captured in our waters, and the deputy collector of the district of Teche, writes me he has seized 15, and was in pursuit of a larger number. At this moment I have sent two confidential inspectors to examine three plantations on this river near Baton Rouge, information having been given me, that 100 had been purchased for the three at Galvezton. This activity has occasioned some alarm, and I am informed (and place complete confidence in it) that the privateersmen and others interested, have resolved to remove the slaves to the neighbourhood of Sabine, build barracks, and keep them there during the winter, or till the purchasers appear, and leave the risk of introducing the slaves to the planters, whose eagerness to procure them, will induce them to run every hazard. They imagine that fixing themselves to the west of the Sabine, they will be without the jurisdiction of the United States; but I trust they will find their mistake only when the whole party will be seized.

In addition to the foregoing, I beg leave to refer you to the documents lately forwarded by commodore Patterson, to the honourable Secretary of the Navy, with the memorial of some of the most respectable merchants of this place, praying him to furnish convoy to protect their vessels, trading with the Spanish ports, from the piratical cruisers who respect no flag when specie is in question.

I have lately sent an inspector of confidence, to examine

La Fourche from the Mississippi to the sea, and he reports it as thickly settled for 80 miles from the river; has 8 to 10 feet water, and 6 feet on the bar, at the mouth or entrance in the sea: there is no obstacle whatever to craft entering it from the sea, and ascending to the Mississippi, and trading freely as high up as they please. I mentioned in my last, the necessity of appointing an inspector for that place, if you decide not to have revenue cutters on this station. I cannot but repeat that I am firmly persuaded the measure is more necessary for this, than any other district in the United States. Bartholomew Lafon of this place (who acted as secretary to the meeting of 15th April, copy of deliberation forwarded in my last) is mentioned as the governour of the new establishment near the Sabine. Lafitte is now purchasing a large quantity of provisions, and the first cargo will soon sail, a copy of the manifest, will soon accompany this or follow. These persons and a long list of others, I could add, if necessary, have no other profession, occupation, or mode of livelihood, than privateering and violating our laws, and openly threaten revenge against any officer of the revenue that may molest or impede their pursuits. They are now preparing a memorial to the department, with the double view to misrepresent the conduct of the officers of the port, and to obtain permission to introduce their illegally, captured property, under the false pretext that they (the memorialists) have made heavy advances; the truth is, the only advances they allude to, is the equipment and fitting out privateers contrary to our laws. The exports from this place to Galvezton and Matagorda, have consisted principally of provisions; a cargo of arms was sent some time in the fall of last year, which has long since been given up as lost, and no return whatever can ever be expected from the Mexican government, from all present appearances. The imports (without taking into consideration the large amount of goods introduced clandestinely) has been very large, as you will observe by the enclosed abstract of duties secured at this office on these importations.

I have felt it my duty to give you this information for your correct understanding the nature of the establishment at Galvezton, and cannot but hope you will be pleased to instruct me explicitly how to act. My conduct has been governed by a sense of duty, and from a

conviction of its propriety; if I have erred, I hope it will be ascribed to an honest zeal.

I am, &c.

BEVERLY CHEW.

P. S. The brig with provisions and lumber for the winter quarters of the slaves, attempted to clear to-day; but, owing to the informality of her papers, it is postponed till Monday. I enclose a list of private armed Mexican and Venezuelan vessels now in port.

List of Mexican armed Vessels, now in the port of New Orleans, commissioned by Aury.

				Commission.
Belona	Dewatre	6 guns	55 men	4 March, 1817.
Calibra	Deverge	1	30	4 April
Diana	Requete	6	40	9 May
Esperanza	Goitz	2	18	24 Nov. 1816.
Mosquito	Jaret	7 tons	17 muskets	23 June, 1817.
Victory	Dewatre	5 guns	60 m e	5 July.

The following commissioned by Gen. Bolivar, (Venezuela:)

Gen. Arismanda	Beleriche	5 guns	114 men	8 May, 1816.
Guerera	Rustique	3		20 August
Hidalgo	Sanvenet	1	50 men	24 Jan. 1817.
Josefina	Quere	1		19 May, 1816.
Eugenia	Lemeson	3	60 men.	just sailed on a cruise.

Mr. Chew to Mr. Crawford. October 17, 1817.

SIR,—My communications of the first and thirtieth of August last, relative to the establishment at Galvezton, and the numerous cruisers under the Mexican flag, that infest our waters, will, I trust, have reached your hands. I deem it my duty to trouble you once more upon the same subject, and to enclose copies of additional testimony of Mr. John Ducoing, late judge of admiralty, and of Mr. Raymond Espagnol, late secretary of state, which will, I trust, satisfactorily prove my assurances of the piratical nature of the establishment, and justify, in your opinion, the officers of this port, in the steps taken by them to put an end to it; for such, it appears, has been the effect of the measures adopted here. Late advices from that place state, that Aury and Champlin, with their privateers and prizes, said to be thirteen sail, evacuated the place, and it is believed they have steered their course for Amelia Island. Before their departure, they disposed

of about three hundred Africans, to the agents of some planters on this river; the remainder they have taken with them. The deputy collector of the district of Teche, writes me, a large gang of Africans passed near the church of Attacapas, on the night of the 14th ultimo, bound for the Mississippi. He heard of it too late to seize them. I have sent a confidential agent to watch the plantations of Joseph Erwin, James Still, and Christopher Adams, it being reported that the latter had been to Galvezton, to purchase slaves for himself and the others. I received, a few days ago, a letter from the person called commodore Aury, dated at sea, 31st July last, on board the privateer Mexican Congress, (late Calypso, of Baltimore,) enclosing a duplicate of a letter, which it appears he had thought proper to write to me on the 28th of the same month, (the original of which has never come to hand.) In this letter he gives me a kind of official information, that it has been determined to abandon Galvezton, and that he had taken with him the judge of the admiralty, the collector, and all his other constituted authorities, and that, whatever may be done at the place, after that date, will be without his approbation or consent, and any clearances, or other official acts, at that place, illegal. I have no doubt, however, but that a new establishment will be soon made there. The advantages are too great to be voluntarily abandoned by persons who have so long enjoyed the profits. Early in September, two vessels, the Carmelite, belonging to B. Lafon, and the Franklin, belonging to J. B. Laforte, (both unregistered vessels, formerly prizes,) cleared at this office for Laguna, but really bound to Galvezton, with provisions, and materials for erecting buildings. On their arrival they found the place deserted, and the Franklin has returned to this port with her outward cargo. By her, accounts have been received that the Carmelite was laying there, and that Lafitte, (who had been pardoned for the crimes committed at Barrataria,) and Lafon, had arrived there, with about forty other persons, and it is believed intended to form an establishment, and will, no doubt, soon replace the judge, and other authorities, carried off by Aury. Private armed vessels, under the Mexican flag, and one or two under that of Venezuela, continued to frequent this port, and uniformly report in distress; (one case only excepted;) make protest, and obtain a certificate from the wardens of the port,

that there is necessity to unlade their armament and heave down. They have been thus admitted to an entry, free of any charge, other than fees to the officers of the customs, under the sixtieth section of the collection law. This course seems to have been adopted by my predecessor, and has been followed by me, in compliance with the instructions from the Department, of third July, 1815. These armed vessels being admitted, great care has been taken not to permit any violation of the acts of 5th June, 1794, and 3d March last, by augmenting their force, or enlisting American citizens; but, in defiance of every vigilance, on the part of the officers of the customs, they violate the law, not whilst they remain in port, but before they leave our waters. Nothing is easier, when the privateer is completely repaired and ready for sea, than to send both men and guns, if they need them, to Barrataria, or any other convenient place where the privateer repairs to, and takes them on board, and sails on a cruise, with an augmented force, to commit hostilities against the persons and property of a nation with whom the United States are at peace.

It is universally reported and believed, many of these vessels (under the Mexican flag, and commissioned by Aury,) are owned by persons resident here, and enjoying the privileges of American citizens. At the end of the cruise the same farce is played over again, and it may with truth be said, that each cruise commences and ends at this port. Attempts have been made to convict them, but as yet without success. They easily exculpate themselves. Witnesses, on their part, are never difficult to procure, in a place where there are a vast number of people with whom the solemnity of an oath has little weight. This you will believe, when I add, that two witnesses were produced in the United States' district court, in the month of May last, who swore that Galvezton was a considerable and well built town, with coffee houses, shops, &c. and that the then constituted authorities, (Durieu, Ducoing, Espanol, &c.) had been appointed and commissioned by Aury. The testimony of the two latter, as well as many other persons now here, will fully refute that falsehood.

I hope you will be pleased to give me some instructions relative to the cruisers, that I may act in a way to meet the views of the Executive. I have the honour to be, &c.

BEV. CHEW.

The United States' District Court, Louisiana District.

The United States in behalf, &c. vs. Cargoes of Juana, Eliza, Carmelita, and Diana.

The same, vs. Brigs Dina and Juana, schooners Eliza and Carmelite.

The same, vs. Ninety boxes sugar.

The same, vs. Sundry goods, &c. part of schooner Mount Vernon's cargo.

City of New Orleans, to wit :

BEVERLY CHEW, collector, one of the officers of the port of New Orleans, being duly sworn, deposes and says, that Raymond Espanol, and John Ducoing, as this deponent is advised and believes, are material witnesses on the part of the prosecution, in the above cases, and without the benefit of whose testimony the trial on the said behalf, cannot safely be proceeded in; that the said witnesses are, as this deponent is informed, and believes, about permanently to depart the United States, and before, in the common course of proceeding, the said causes can be brought to trial; so, that unless a commission issue for taking the depositions of the said witnesses, prior to their intended departure from the United States, as aforesaid, the prosecution he apprehends and believes, will be deprived of the evidence of the said witnesses.

BEV. CHEW.

Signed and sworn to, before me, this 6th day of October, 1817. JOHN NIXON, Justice of the Peace,
for the fifth Section of New Orleans.

To the Hon. Dominic A. Hall, Judge of the District Court of the United States, in and for the District of Louisiana.

The Petition of Beverly Chew, Collector of the District of Mississippi, and one of the Officers of the Port of New Orleans, respectfully sheweth :

THE facts set forth in the annexed affidavit, and prays an order pursuant thereto, commissioning some judge or justice of the peace in the city of New Orleans, to take the depositions of the said witnesses in the said cause, at such time and place as to your honour shall seem meet.

And as in duty bound, &c.

BEV. CHEW.

Additional Testimony taken in sundry Causes depending in United States' District Court, for the Louisiana District, on behalf the United States, against sundry Vessels and Cargoes from Galvezton.

JOHN DUCOING being duly sworn, the deponent further says, that the establishment at Galvezton was composed, as before stated, by persons of various nations, and that the sole view and object of the persons comprising the said establishment was to capture Spanish vessels and property, without any idea of aiding the revolution in Mexico, or that of any other of the Spanish revolted colonies, as far as this deponent knows and believes. And the deponent says, that during the time he exercised the functions of judge at Galvezton, he had no knowledge or belief in the existence of a Mexican republick or other government, independent of the Spanish government.

The deponent further says, that the government established on the 15th day of April, had no connexion whatever with any other government, state, or people. That Galvezton stands on a small island, or rather a small sand bar, a few miles long and broad, and was a desert when taken possession of by Aury, known by the name of Snake Island, without a port or harbour, and no buildings except a few huts or cabins, probably three or four, made of boards and sails of vessels.

And further this deponent saith not.

JOHN DUCOING.

Sworn and subscribed before me, this 7th day of October, 1817.

R. CLAIBORNE, Clerk.

MR. RAYMOND ESPANOL, being duly sworn, says, that on the 16th day of March last, this deponent went from this place to Galvezton, in the province of Texas, in the brig Devorador, for the purpose of disposing of merchandise. Aury was acting as governour. This deponent accepted of no office or employment under Aury, nor had he any acquaintance with him; never took any oath of allegiance to Aury; that on the 5th of April last, Aury and general Mina abandoned Galvezton, burned the huts and cabins there were standing, and left no person, authorized by them or otherwise, to form a government. After their departure, to wit: on the 15th of April, 1817, the persons then at Galvezton consisted of about thirty or forty in num-

ber, including sailors, &c. six of whom assembled on board of the schooner Carmelita (belonging to Mr. Bartholomew Lafon, late of New Orleans, and engineer in the service of the United States) to wit: Durier, John Ducoing, Pereneau, said B. Lafon, Rousselin, and this deponent, who formed the new government. The proceedings were drawn up and signed by those present, by which certain persons aforesaid took upon themselves offices, namely:

Durier, Governour.

John Ducoing, Judge of Admiralty.

This deponent, Notary Publick and Secretary.

Pereneau, Major du Place.

Rousselin, Collector.

At the meeting on the 15th April, there was no paper or document produced, authorizing the same, or giving them power to form a government.

The deponent further says, that the sole object and view of the persons comprising the establishment at Galvezton was, as far as he knows and believes, to capture Spanish property under what they called the Mexican flag, but without an idea of aiding the revolution in Mexico, or that of any of the Spanish revolted colonies; and further, that during the time that this deponent acted as notary publick and secretary to the new government at Galvezton, he had no knowledge or belief in the existence of a Mexican republick, or any government in Mexico, independent of the Spanish authorities; further, the deponent says, that the new government established at Galvezton on the 15th of April, 1817, had no connexion whatever with any other nation, state, or people.

That Galvezton stands on a small sand bar, a few miles long, and broad, and was a desert when taken possession of by Aury—known by the name of Snake Island; without a port or harbour, and no buildings except three or four cabins built of boards and sails of vessels.

Further, this deponent says, that some time in the month of May last, when some of the merchandise and vessels from Galvezton, were libelled by the Spanish consent in behalf of the Spanish owners, application was made to this deponent to appear before the honourable judge Hall, and to prove that the authority appointed by the meeting at Galvezton, on the 5th of April last, were appointed and commissioned by Aury. This application was explicitly

stated to be on behalf of those interested in the Galvezton establishment, particularly of Mr. Bartholomew Lafon and Mr. J. Bte. Laporte, the former of whom, it was known, to be indebted to this deponent in a sum of ten or twelve hundred dollars; this deponent refused informing the person by whom the application had been made; that if the deponent appeared he would tell the truth, and should prove that the persons forming the government at Galvezton (after 15th April,) were not named by Aury. This deponent was not summoned as a witness, though it was known he was in the city, and has continued since to reside here. The deponent says that this is the true reason why he was not summoned to appear before the judge at the time when Messrs. Rienx and Pereneau appeared.

RICHARD ESPANOL.

Sworn and subscribed before me, this 7th day of October, 1817.

R. CLAIBORNE, Clerk.

[Extract.]—*Mr. McIntosh to Mr. Crawford. The Refuge, near Jefferson, Camden County, Oct 30, 1817.*

“DEAR SIR,—The last letter I had the honour to address you, was on the 9th of August; shortly after which the publick papers announced that you had left Washington on a visit to Georgia. A few weeks after, I thought it not imprudent to venture out to my swamp plantation on the Sotillo, and since, have been very little at St. Mary’s. Since general M’Gregor, and the greater part of his officers, (some of whom were men of respectable standing in the United States) have left Amelia Island, there has not been so much ingenuity made use of in misrepresenting the conduct and intentions of the invaders of East Florida; and the accounts which are published of them, are, for the most part, generally correct. The present chief, commodore Aury, got the command very much against the inclinations of sheriff Hubbert, and colonel Irwin. When he arrived at Fernandina, with his squadron of privateers and prizes, they were entirely without money. He declared, “that if he gave them any aid, it must be on the condition of being made commander in chief; and that as general M’Gregor never had any commission whatever, the flag of the Florida republick must be struck, and that of the Mexican hoisted, and that Fernandina should be considered as a conquest of the Mexican republick, (under which

he was commissioned,) without its being necessary that any other part of the province of East Florida should be conquered." Hubbert and Irwin reluctantly agreed to the mortifying condition of resigning the command. They were never friendly with the commodore, and endeavoured, but in vain, to gain over by intrigue, a part of his men. Their own party considerably increasing shortly after, they were several times on the point of coming to open war with Aury, and his followers; and under the pretence that Aury's forces were composed chiefly of brigand negroes. A few days before Mr. Hubbert's death, (who was called governour without having any power,) Aury marched to his quarters with a body of armed men, and obliged him to make such concessions as drove him to an act of intemperance, which soon after terminated his existence.

Since the death of this gentleman there has been little or no disturbance among them. But it would appear as if the suspicions of the Frenchman, did not die with Hubbert, as none of his privateers have yet left Fernandina.

The parties are designated as the American and French, and I have been assured by individuals belonging to them both, that each are anxiously looking for reinforcements. Aury has a number of Frenchmen, who were, it is said, officers of Bonaparte. They find it their interest as well as inclination to support their countryman.

His great dependence however, is, on about one hundred and thirty brigand negroes—a set of desperate bloody dogs.

The American party which are rather more numerous than the other, consist generally of American, English, and Irish sailors; but now have no declared leader. Irwin wants either spirit or popularity to assume that character. For my own part, I believe that in point of morals, patriotism, and intentions, they are exactly on a par. Aury's blacks, however, make their neighbourhood extremely dangerous, to a population like ours; and I fear that if they are not expelled from that place, some unhappy consequences may fall on our country. It is said, that they have declared that if they are in danger of being overpowered, they will call to their aid every negro within their reach. Indeed I am told that the language of the slaves in Florida is already such as is extremely alarming.

The patriots at Fernandina, had about ten days ago an unexpected and strange reinforcement. Twenty half pay British officers, by the way of Turk's Island, arrived at St. John's river, and mistaking it for Amelia, a colonel and a couple of others were made prisoners by the Spaniards. The others got safe to Fernandina; but finding that general sir Gregor M'Gregor had abandoned it, they determined immediately on doing so too."

Extracts of a Letter from Mr. Clark, Collector of St. Mary's, Georgia, to Mr. Crawford. November. 1, 1817.

SIR,—I hasten to communicate the following information by letter, received from a gentleman residing on St. John's river, East Florida. The subject in its bearings, presents considerations of the first importance, as to our political relations with Spain.

The following is extracted from the same :

" Pablo River, St. John's, October 24, 1817.

About sunset a yawl boat arrived at the landing, when seven persons came from her, who requested shelter for the night, and some refreshment, stating that they were half pay British officers of the army and navy, from the island of St. Thomas, on their way to England, via the United States: that they had mistaken this bar for St. Mary's; that they left the schooner in the offing under that impression, and intended to send her a pilot by the return of the boat. After staying all night, they embarked at daylight, having procured a negro pilot to conduct them inland, to Fernandina.

Colonel M'Donald in thanking me for the hospitality he had received, said he felt bound as a gentleman to be candid, and accordingly informed me, that they had lately arrived from London at St. Thomas, in the ship *Two Friends*, with a great number of officers, and munitions of war in abundance; that he had with him 30 officers on board the schooner; that he would command in this quarter; that they would have men sufficient, and a profusion of every thing necessary for active operations. That they wanted a war with Spain, and that he had power to draw on England for 100,000 pounds sterling: that they would have a fine train of artillery; and that all these supplies were actually on their way or shipping; that a number of gun brigs and sloops would leave England, reported for

the East Indies; but were bound directly here, and to South America. That they were much disappointed at St. Thomas, on hearing M'Gregor had left Amelia Island; and that the capture of Amelia was known prior to their leaving England.*

These officers have a soldier-like and genteel appearance, and all have their commissions; they said 'their object in leaving the schooner was to reconnoitre.'

They have all since arrived at Fernandina."

I have the honour to remain, &c. ARCHD. CLARK.

Extract of a Letter from Lieutenant Commandant B. V. Hoffman, to Captain Charles Morris, transmitted by the latter to the Honourable B. W. Crowninshield, Secretary of the Navy, dated January 18, 1817.

"I SPOKE during my cruise with several American and English vessels, and the private armed Mexican schooner Eugene, the latter I seized on the 17th instant about four miles from the bar, in the name of the United States, for having no papers and a number of blacks on board, said to be slaves. I have sent her to New Orleans under charge of sailing master Mott."

Extract of a Letter from Captain Charles Morris, to the Secretary of the Navy, dated United States' Frigate Congress, off the Balize, March 14, 1817.

"FROM the best information I could obtain, a general belief appears to exist that the patriots under general Mina, had intended, and perhaps still meditate, an attack upon Pensacola, and that he proposes to collect a portion of his troops within our territory, a part on the waters of the Alabama, and a part on the islands west of Mobile, from which islands to embark on board vessels under his direction. These movements are said to have been delayed from the want of funds and the present extreme scarcity of provisions in New Orleans. It is also reported that one of the inducements, which general Mina holds out for persons to join in his enterprises, is an assurance that the government of the United States is acquainted with and not averse to his intended movements.

Although I cannot myself believe that general Mina will

* Capt. Thomas was at St. Mary's with Cockburn, and lieutenant of the ship that fired on gun boat 168, after the peace.

risk his limited means, and expose his force to immediate dispersion by wantonly violating the neutrality of the United States, yet I conceive it my duty to neglect no proper means of preventing the execution of any act which may, in any degree, compromise the honour, interest, or neutrality, of the United States; and so soon as I shall procure the provisions and water of which we are at present in want, I shall return to the vicinity of Ship Island, ready to act as circumstances may require."

Daniel T. Patterson to the Secretary of the Navy. New Orleans, August 4, 1817.

SIR,—Enclosed herewith I do myself the honour to transmit a copy of a memorial, addressed to me by a highly respectable body of merchants of this place, engaged in commerce with the royal Spanish ports on the Main and island of Cuba, together with the protests of the masters of three vessels, robbed by cruisers under the flags of the Independent Provinces, and reported in my letter of the 28th ult. and upon which the memorial is predicated. The robberies thus set forth are so flagrant and outrageous, and the protection therein solicited so necessary and just, for the preservation of a valuable and highly lucrative commerce, that under the orders to captain Morris, from the department, under date of the 19th October last, to "protect the commerce of the United States in the Gulf of Mexico, against the violence and depredations of pirates, and against any exercise of force, by armed vessels of whatever nation or country, not authorized by the belligerent right of search, or laws of blockade as asserted by the United States," I deem it my duty to afford the convoy requested, having satisfactory proof of the vessels and property being bona fide American, and not being of contraband of war. The vessels convoying will not be permitted to enter the ports, or to receive on board any article of merchandise, in which will be comprehended specie and bullion. The convoy will simply be seen safe into port, and the vessel convoying will return to her station on our own coast, bringing with her any American vessels that may be ready and bound to this port.

In thus affording convoy to American vessels engaged in a fair and legal commerce, I trust I am carrying into effect the orders of the department in their true spirit and

meaning, and that the course I pursue will meet your approbation. I have the honour to be, &c.

DANIEL T. PATTERSON.

Memorial of Merchants of New Orleans, to Commodore Patterson, of the 23th of July, 1817.

The memorial of the subscribers, merchants of the city of New Orleans, citizens of the United States, respectfully sets forth :

THAT your memorialists have extensive dealings with the merchants of La Vera Cruz, Campeachy, and other places in the gulf of Mexico, and usually receive from thence gold and silver, as returns for their adventures, and remittances from their correspondents and debtors there.

That since some part of the Spanish colonies have risen in arms against the royal authorities, vessels carrying the flags of the several new republics of Buenos Ayres, Venezuela, and Mexico, pretending to have commissions from the constituted authorities there, to cruise against their enemies, but manned with renegado crews of all nations, have lately commenced the plundering the vessels of your memorialists, sailing under the flag of the United States, on lawful voyages, and rob them of whatever specie they find on board. The brigs Pomona and Freeclove, owned by citizens of the United States, resident in this city, have been robbed in this manner; and the brig Charles, also of, and owned in this city, by an American citizen, has been deprived of her papers on the high seas, and thereby exposed to be made lawful prize of by any cruiser, when she was fortunately boarded by the United States' schooner Firebrand, commanded by lieutenant Cunningham, who convoyed her to Vera Cruz, her destined port. Proofs of all these nefarious acts are hereunto annexed.

That your memorialists, under these circumstances, impeded in their lawful commerce by marauders and pirates, are prevented from sending their vessels to sea, as they cannot insure them under premiums which would be ruinous, and labour under the intolerable disappointment of not receiving the expected returns for their property, now in the Spanish dominions, and ready to be shipped to them if it could be done with safety.

That the commerce carried on by your memorialists,

with the Spanish colonies, is extremely advantageous to the United States, in as much as it exchanges the productions of this country, and other merchandise, for the precious metals ; but their value has now so excited the cupidity of the freebooters of the gulf, secure, as they believe, from resistance and from punishment, that all this valuable commerce will cease unless the merchant vessels be protected ; and that protection is now solicited from you.

Your memorialists, therefore, respectfully intreat that you will give orders to the armed vessels of the United States under your command, to give convoy to the vessels of your memorialists, to and from the Spanish ports in the gulf of Mexico, on such conditions and under such regulations as you may think fit, and the least inconvenient to yourself and the publick service.

T. and D. Urquhart, Richard Relf, Benjamin Story, J. Longpre, Amory Callender, and Co., L. D. de Morant, Tallcot and Bowers, S. N. Stackhouse, R. L. Rochelle and Shiff, David Olivier, Isaac L. M'Coy, Wm. Wyer, M. Fortier and Fils, Cavalier and Fils, Paul Lanusse, Pedro Dalhoste y Claveria, Vincente Nolte and Co., Dutillet and Sagory, Jno. Bte. Labattut, Simon Crecully, L. Millaudon, G. Dusser, William Kenner and Co., Debys and Longer, J. Brandeger, Harrod and Ogden, James Johnson, J. Tricou and Fils, Dge. Rouquette, John Garnier.

Protest of William B. Cox, late Mate of the American Brig Charles, at New Orleans, July 25, 1817.

By this publick instrument of protest, be it known, that, this day, before me, John Lynd, notary publick, in and for this city of New Orleans, duly commissioned, personally appeared William B. Cox, late mate of the American brig called the Charles, Casimere Priato, master, who, having been first duly sworn to declare the truth, declared that they sailed from New Orleans, on board of the aforesaid brig, about the 28th day of May last, bound to Vera Cruz. On the 18th day of June last, off Point del Gado, the Charles was brought to, by an armed vessel, which proved to be the Mexican Congress, captain Sebastian Boquière, who ordered a boat on board with the brig's papers. Captain Priato being unwell, ordered me to go on board with the papers. On going on board.

captain Boguiere examined the papers, and informed me that he would send the brig into some Mexican port. At this moment a sail was discovered to the windward, and reported; the captain went on deck and ordered my boat to shove off, giving me the papers of my vessel. While going forward to get into my boat, I was ordered back by captain Boguiere, and to remain contented, until he should think proper to discharge me. All sail was immediately made in chase of the sail to the windward, and in four hours we lost sight of the brig Charles, she bearing south-west by south. The Mexican Congress continued the chase until the evening, when the strange sail was lost sight of in a squall. The Mexican Congress continued to cruise afterwards, four or five days, during which time, captain Boguiere seemed entirely indifferent about falling in with my vessel, although I spoke to him repeatedly on the subject. He afterwards steered away northwardly for Matagorda, where we arrived on the second day of July. On the third, captain Boguiere sent me on shore with a letter to governour Aury, requesting him to procure me a passage to New Orleans. Governour Aury ordered me on board the privateer Victory, captain D. Wata, that being the first vessel about to sail for New Orleans. Captain D. Wata repeatedly told me that he had express orders not to discharge me from his vessel, until he was about to leave New Orleans. We arrived at the Balize the 18th day of July. I immediately wrote to captain Cunningham, of the United States' schooner Firebrand, but received no answer. I then wrote to captain Porter, of the United States' brig Boxer, lying off the Balize, who sent his boat on board for me, and took me on board his brig, overhauled my papers, and sent me on shore. I then got a passage and came to New Orleans, where I arrived this 25th day of July, 1817.

Whereupon this appearer declared to protest, and by these presents does thus publickly and solemnly protest, against the said vessel called the Mexican Congress, her officers and crew, for all damages sustained, or to be sustained, by the said brig Charles, and her cargo, and for all other damage of whatever kind, in consequence of the acts heretofore detailed; and that the same ought not in any manner to be attributed to any fault, negligence, or mismanagement, on the part of this appearer, or any other of the said brig Charles's crew. Thus done and pro-

tested at New Orleans, this 25th day of July, 1817, in presence of Isaac T. Preston, and Edward Gorman, witnesses, who hereunto sign their names, with the party, and me, notary ; W. B. Cox, T. Isaac Preston, Edward Gorman, John Lynd, notary publick.

I certify the foregoing to be a true copy of the original act, extant in my current register ; in faith where-
 [L. s.] of I grant these presents, under my signature, and the impress of my seal of office, at New Orleans, this 25th day of July, 1817.

JOHN LYND, Nt. Pub.

Protest of Captain Louis Dequemenil de Morant, at New Orleans, July 29, 1817.

United States of America, State of Louisiana, City of New Orleans.

By this publick act of protest, be it known, that, on the 30th day of June last, before me, Carlile Pollock, Esq. notary publick in and for this city, duly commissioned, came captain Louis Dequemenil de Morant, master of the brig Freelove, of New Orleans, who declared that he had sailed in and with said brig for Campeachy, bound to this port, on the 7th of June last, and had suffered loss by piracy and robbery on the high seas, particulars of which he would detail at more leisure.

And this day again appeared the said master, with John Baptist Tozo, seaman, and Charles F. Escoffie, passenger, said vessel, who, having been duly sworn to declare the truth, deposed, that when they sailed as aforesaid, said brig was tight and strong, well manned and provided. At noon on the 8th, they observed in lat. 21 degrees 12 minutes, and at 2 P. M. a sail appeared making for them. At 3 P. M. they discovered the sail to be a privateer, showing the Buenos Ayres flag. The brig hoisted hers, and at 4 30 hove to on the privateer's firing a gun. At 5 they were boarded by the privateer, and after the usual questions, the person who appeared to command, examined the brig's papers, and not finding a register among them threatened to carry her to Matagorda. These appearers represented that there was abundant proof of the vessel and cargo being American property, and no just ground for detaining her, or interrupting the lawful commerce she was then carrying on ; to which the boarders

replied they should do as they thought fit. At 6, the person who commanded the party, sent two of the brig's people on board of his privateer, but remained with eight of his own on board the brig. One of the persons so sent to the privateer, was John Smith, the boatswain, who gave information to the mate of the privateer, that one of the passengers on board the brig, Jose Domingo Rascon, had eleven or twelve hundred dollars in specie, with him. At the break of day, next morning, the mate of the privateer came on board the brig, and informed his captain, what he had heard; the latter then told these appearers that he knew said passenger had money, that he was a Spaniard, and he would take it from him. It was in vain urged that though a Spaniard, he was under the protection of the American flag, and ought to be free of all ill treatment and violence. They answered they would take his money; and did accordingly rob him, the said Jose Domingo Rascon, by taking from his person, a girdle containing fifty doubloons, and carried off his two trunks, his bed, fifty-five dollars in silver, and every thing else belonging to him, using the most frightful threats to induce him to discover other property. Finding they could get nothing more from him, they ransacked the brig's cabin, and took one hundred and thirteen dollars, which Francis Cuesta, a citizen of the United States, and one of the crew, had hid in a barrel of beans; and to all remonstrances the plunderers only answered they would do as they thought fit. They then prepared to leave the vessel, but their captain demanded some shoes, fowls, and turkeys, for which he gave in exchange a small bale of cinnamon, some annisette, gin, &c. and at 9 A. M. they quitted the brig to go in pursuit of the brig Pomona, captain Rivarde, then in sight. The person who appeared to command the pirates, called himself John Hanville; said the privateer was the Mary Ann, and was cleared out at Galvezton, by Mr. Aury, there, on the 12th May last, as appeared by a commission he exhibited. His role d'equipage showed sixteen men, but he had only thirteen with him. These appearers thereupon declared to protest, and by these presents do publickly and solemnly protest against the unjustifiable violence offered to their vessel, and the plunder of the same, by the said privateer, her captain and crew, to which their unarmed state obliged them to submit, and for which said plunderers are,

and ought to be held responsible. Thus done and protested, at New Orleans, this 8th day of July, 1817, the protesters hereunto signing their names with me, notary. Signed, L. D. de Morant; mark of John Bapt. Tozo; Charles F. Escoffie; Carlile Pollock, Not. Pub.

I certify the foregoing to be a true copy of the original [L. s.] act, extant in my current register, as witness my signature and seal of office. New Orleans, 29th July, 1817. CARLILE POLLOCK, Not. Pub.

Deposition of Paul Lanusse, Owner of the Brig Charles, of New Orleans, of Jean Baptiste Revarde, Owner of the Brig Pomona, and Louis Doquemenil de Morant, Owner of the Brig Freelove, at New Orleans, July 28, 1817.

United States of America, State of Louisiana.

[L. s.] By this publick instrument, be it known, That I, Carlile Pollock, Esq. notary publick, in and for the city of New Orleans, by letters patent under the great seal of the state of Louisiana, duly commissioned and sworn, and by law invested with full power and authority to attest deeds, wills, and other instruments in writing, and to administer any oath or oaths, to any person or persons, do hereby certify, that this day, before me, came Paul Lanusse, of this city, merchant, who, having been sworn, deposed that he is the true and only owner of the brig Charles, of New Orleans, and is a citizen of these United States.

And also appeared Jean Baptiste Revarde, of this city, mariner, who, being sworn, deposed that he is the true and only owner of the brig Pomona, of New Orleans, and is a citizen of these United States.

And also appeared Louis Doquemenil de Morant, of this city, mariner, who, being sworn, deposed that he is the true and only owner of the brig Freelove, of New Orleans, and is a citizen of these United States.

And the said appearers severally deposed that no citizen nor subject of any foreign state or power, is interested in the vessels so respectively owned by them, nor in the profits or issues thereof, directly or indirectly, by way of trust, or confidence, or otherwise. In faith whereof, they hereunto sign their names: John B. Rivarde, L. D. de Morant, Paul Lanusse.

Whereof an attestation being required, I have granted these presents under my notarial firm and seal.

Done and passed at New Orleans aforesaid, the 28th day of July, in the year of our Lord, 1817.

CARLILE POLLOCK, Not. Pub.

Protest of Jean Baptiste Revarde, at New Orleans, July 28, 1817.

United States of America, State of Louisiana, City of New Orleans.

By this publick act of protest be it known, that this day, before me, Carlile Pollock, notary publick in and for this city, came Jean Baptiste Revarde, master of the brig Pomona of New Orleans, who, having been duly sworn to declare the truth, deposed in the words following, to wit: On the 7th day of June last, I sailed from Campèachy in and with said brig Pomona under my command, bound to this port of New Orleans, said brig being tight and strong, well manned and provided. On the 9th, at 3 degrees, 30 seconds P. M. latitude 21 degrees 36 seconds, in fourteen fathoms water, saw a small felucca making for us with sails and oars; at 5 P. M. she fired a gun. I then hoisted the flag of these United States and hove to. The felucca had a flag, which I could not distinguish. Soon after the felucca fired another gun, on which we bore down for her, the wind being light. At nightfall, after having been hailed, and made answer to their questions, we were boarded by the felucca, by twelve men, all armed with pistols and sabres, who instantly put the crew of my vessel into the forecastle and ordered me and my passengers into the cabin, permitting only one person at a time to come on deck. I complained to the person who appeared to command, of the violence offered to me, an American citizen, sailing in an American vessel, and under the flag of the United States. He answered, he wished to ascertain such property on board as was Spanish, and would not meddle with any property of citizens of the United States; adding that the felucca was a Mexican privateer, cleared out from Matagorda by commodore Aury. We were kept in confinement all night, the vessel hove to. In the morning after the 10th, the felucca was not in sight, upon which the officer commanding the party gave up the command of the vessel to me, saying if they should not meet their own, they would pay me their passage to New Orleans. But to their great joy the pri-

vateer hove in sight at 6 degrees 30 seconds A. M. I remained in the command of my vessel until the felucca came alongside, about 8, A. M. when my crew were again confined in the forecabin. The captain of the felucca then ordered me to give him a correct manifest of every thing on board, belonging to citizens of the United States, saying every thing else would be taken; that he was perfectly well informed of what I had on board, but would not interfere with any American property. I therefore exhibited to him the invoice of my outward cargo from New Orleans, the accounts of sales made at Campeachy, and the invoices of my return cargo, all in regular form. He then observed I had omitted to declare the specie on board, of which he had exact information from a person who had seen it embarked; and knew it had been sent on board from the house of Mr. Aubry of Campeachy, to whom I had been consigned; and that if I did not declare the same he would find it out by *throwing my cargo overboard*: whereupon, unwilling to excite suspicion, and knowing that all the cargo on board, as well the part under my charge as the shipments made by others, was for American account, I exhibited to him an exact account (according to the note hereinafter set forth) of the money, with the respective bills of lading. He said I had other specie on board: which I denied. He used many threats, which I believed he used merely to intimidate me and make me declare that I had Spanish property on board; and indeed I depended that my flag and the property would be respected, especially by Americans, though sailing under the Mexican flag. The officer finding he could not make me confess as he wished, made me go down into the cabin, and then caused a strict search of all the trunks, from which he took all the money he found, and even my silver fork and spoon, and sent on board the privateer, four trunks belonging to four Spanish passengers of mine, without leaving them a change of apparel. He then demanded of me to deliver up the money which I had acknowledged to have on board, and likewise that which he well knew I had over and above. I represented to him that, upon his assurances American property should be respected, I had declared to all the specie I had on board, and that I found his present demand unjustifiable and violent; to which he answered shortly, that his time was precious and he would not lose it. I again urged, and

was therein joined by my brother, a part owner of cargo, that our property could not be taken, and that we could prove all the owners of the cargo to be American citizens. "No reply," said he. "I have no time to spare, and you will lose the whole if you do not give up all the money you have on board." He then ordered his party aft, their sabres drawn, and pistols in hand. I was then induced, seeing their hostile intentions, to give up the money I had acknowledged, in order to save what I had not confessed to, and showed them where the former was. The moment it was in their possession they sent it on board the privateer. As they were preparing to search for more, a man at the mast head announced a sail in sight, on which the master of the felucca immediately ordered his people on board, (and among them was the boatswain of the brig *Freelove*, which left *Campeachy* the same day we did for New Orleans, who was the person that gave information of the money we had taken in) and made sail to the westward. During the whole of these transactions we could not find out the persons' names, nor the name of the privateer; but I was assured by several persons of my crew that the felucca had been fitted out at New Orleans by one Marcos, an Italian, who sailed in March for Matagorda. One person of my crew, Gabriel Augier, told me that he knew several of the sailors; that they were Americans, and had boarded in the same house with him in New Orleans. For my own part, I knew none but the boatswain of the *Freelove*. The privateer is a small vessel of two masts and two sets of sails, one as a felucca, the other as a schooner, and all the persons belonging to her, that we saw, were Americans, or at least spoke the English language. The note of the money shown by me was as follows:

Shipped by J. B. Revarde, for his own account and that of others.

L.M.	3 sacks, cont'g, each, \$1,000	} for L. Mil- } laudon	\$3,360
1 do.	do. do. 360		

R.	1 sack for account of Mr. Visosa, of N. Orleans	510
	2 do. for his own account, each \$1000	2000
	1 packet do. - - - - -	680
		<hr/> 2,680

L.	1 sack for J. B. Lafonta, New Orleans, Pac- quetel and self - - - - -	800
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Shipped by Achille Rivarde.

A. R.	1 sack containing	-	-	-	\$1070	
	1 packet	-	-	-	725	
						1795

Shipped by L. D. De Morant for Laur Millaudon.

L. M.	1 sack,	-	-	-	\$1000	
	1 do.	-	-	-	800	
						1800
	3 doubloons and 5 dollars taken from me					53
	Taken from Mr. Brunetti	-	-	-		170
	Taken from	-	-	-		100
						\$11,268

And I solemnly declare, that the whole of my cargo, including the money on board, was shipped for account and risk of citizens of the United States, and that the money so taken, was according to the foregoing. And thereupon, the said master declared to protest solemnly against the captain and crew of the said Mexican privateer, for having, by violence, and contrary to the peace subsisting between the United States and the neighbouring governments, treated this appearer, his flag, and his vessel, as if they had been an enemy, and carried off in a piratical manner the property of persons, all citizens of the United States.—Thus done, and protested, at New Orleans, this 3d day of July, 1817: the declarant and protestor hereunto signing his name with me, notary. Signed—J. B. Rivarde.—Carlile Pollock, notary publick.

Be it known, that this day, before me, Carlile Pollock, notary publick in and for the city of New Orleans, came the persons whose names are hereunto subscribed, passengers and crew of the brig Pomona, of New Orleans, who having taken cognizance of the declaration made by John B. Rivarde, master of said brig, before me, notary, on the 3d day of this current month, deposed, that all and singular the facts therein set forth, are true and correct, so far as they had an opportunity of knowing them, when not confined. Thus, done and deposed, at New Orleans, this 8th day of July, 1817; these deponents hereunto signing their names with me, notary. Signed, Ambrogio Cavassa; Gabriel Augier Tortel; Baron; A. Rivarde; Francis Brunetti; Carlile Pollock, notary publick.

I certify the foregoing to be a true copy of the original

act, extant, in my current register. In faith where-
[i. s.] of I grant these presents, under my signature and
seal of office. New Orleans, July 28, 1817.

CARLILE POLLOCK, Notary Publick.

*Protest of Casimer Prieto, Captain of the American Brig
Carlos, against the Privateer Congresso, June 30, 1817.*

[Seal. Royal Arms.]

DON CASIMER PRIETO, captain, chief pilot and sailing master of the American brig, the Carlos, declares; that on the 1st of June, of the present year, he sailed from the Balize of Orleans for this port in his aforesaid vessel, and that, on the 18th day, being at a short distance from the coast, off point Delgada, under reefed ——— the Mexican privateer brig, called the "Congresso," bore down upon me, and obliged me to send a boat on board, with my mate, to whom I delivered my shipping paper, register, manifest, and other papers—he kept the mate, and papers on board, and ordered me into his wake, observing, that all the papers had been visited by another privateer which had overhauled me on the 14th; and while I was standing on, in his wake, my capturer bore away for a sail which he saw in the N. N. E.: that at 6 P. M. the weather growing foul, and unable to keep way with him, I bore away for the harbour, but could not fetch it, on account of the bad weather. In this condition, being without my mate, papers, security or assistance, I was exposed to be made prize of by some one or other. On the 21st, at half past 7, A. M. I fell in with the United States' cruiser, Firebrand, lieutenant Cunningham, who overhauled me, and having made known to him the foregoing, he delivered me a certificate and letter of recommendation for this government, and stood on in company with us until we were in sight of the harbour, where I got in at 5, P. M. yesterday, the 22d, the gale having continued since the 18th and forced me to lay to, in the mean time, whereas I could have made my port much sooner, had I not been detained by the privateer.

Wherefore, I do hereby, in the most ample form protest, once, twice, thrice, and as often as of right I may, against the aforesaid Mexican privateer "Congresso" and the captain thereof, against his violence, in carrying off the documents necessary to my free navigation, with my mate, and

against the delay and detention which he has hereby caused me, to the end that I may not be responsible for the deficiencies that may result to vessel and cargo, and that this protest may serve as a declaration and satisfaction in judgment and thereout, to answer all the purposes, uses, and intents which may be required in the premises. In testimony whereof, I have consented to and executed the above, at new Vera Cruz, at 10 o'clock in the morning of the 23d day of June, 1817. And I, notary publick, whose signature is hereunto subscribed, certify and authenticate the above declaration made in presence of Don Francisco Damaso Morales, Don Jose Antonio Rivas Ramirez, and Don Jose Ignacio Ximenez.

CASIMIRO PRIETO.
JOSE XIMENEZ.

Before me,

Extract from the original declaration of the appearer on the day and date above written, and in presence of the above named witnesses. JOSE XIMENEZ.

WE, the undersigned, merchants of this city of Vera Cruz, do certify that Don Jose Ximenez, by whom the precedent certification is given, is a king's notary publick of this city, and that all faith and credit is given and ought to be given to all his documents, as well official as not official; under which truth we give our oaths, and sign the present in Vera Cruz, the 30th day of June, 1817.

JULIAN DE CARTABUENA,
DIEGO LOPEZ DE GOIESCHA,
LUIS DE PALINIE.

Extract of a Letter from Captain Charles Morris, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated United States' Frigate Congress, off the Balize, June 10, 1817.

"As it respects marine operations, when Aury left Galvezton with Mina, it was understood to be his intention not to return there, but to establish himself at the Santando, and all the publick stores and other buildings were destroyed. The Santando having been found altogether unfit for his purpose, he is returning to Galvezton again.

"A temporary government, with the admiralty judge, &c. were left during his absence, to condemn prizes sent in by the privateers. It is stated that the decisions of the judge are dictated by the captors, who will not, unless it

appears to suit their convenience, even furnish him any papers on which to form an opinion, or ground his sentence. This is said to have occurred during the late absence of Aury; his return may have some good effect upon the proceedings there, but the general character of the population of the place is such, that I am told, even those persons concerned in the privateers, when they dispose of their goods there, are unwilling to take specie in payment, fearful of being plundered, but prefer bills, which can be more easily secured. Most of the goods carried there, are introduced into the United States, the more bulky and least valuable regularly through the custom-house; the more valuable and the slaves are smuggled in through the numerous inlets to the westward, where the people are but too much disposed to render them every possible assistance.

“Several hundred slaves are now at Galvezton, and persons have gone from New Orleans to purchase them; every exertion will be made to intercept them, but I have little hopes of success.”

Extracts from a Letter from Lieutenant Commandant John Porter, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated, United States' Brig Boxer, off the Balize, June 28, 1817.

“FROM cape Catouche to La Vera Cruz, the piratical boats are very numerous, and commit their depredations without respect to flag or nation. Should it meet your approbation, sir, it would afford me infinite pleasure to protect our commerce on that coast.”

“I shall leave this on Monday, to cruise off the Sabine river: it is reported that attempts will be made to smuggle slaves into Louisiana from Galvezton, and the natural presumption is, they will attempt the Sabine or Atchafalya rivers; the depth of the water off those rivers are very inaccurately represented on the charts, and it will not be in my power to approach nearer the shore than within ten miles off the Sabine, and not nearer than thirty off the Atchafalya. Whatever can be done to prevent their being brought clandestinely into the country, will have to be performed by the boats, which, sir, shall be actively employed the moment we arrive on the ground.”

Extract of a Letter from Captain D. T. Patterson, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated New Orleans, July 28, 1817.

"CAPTAIN MORRIS having advised the department of every circumstance relating to the conduct of foreign armed vessels, and the various transactions of the belligerents in this quarter, 'till his departure, I have only to add, that no information of moment, in relation to the latter has been received; but have to report, that two American brigs have been robbed of specie to a considerable amount, in the bay of Campeachy, on their way from thence to this port, by a vessel under the Venezuelan flag. And the American brig Charles, bound from this port to La Vera Cruz, laden with flour, American property, was boarded on the 18th ultimo by the Mexican armed vessel called the Mexican Congress, and robbed of all her papers, and her mate detained on board.

"These acts of force, committed on American vessels engaged in regular and lawful commerce, has greatly alarmed the merchants of this place, who have, in consequence, solicited convoy for vessels bound to Spanish ports."

Extract of a Letter from John Kerney, Esq. Deputy Collector of the Port of New York, to Captain Samuel Evans, commandant, Navy Yard, dated September 8, 1817.

"A BRIG, said to be a Venezuelan cruiser, called the "America Free," Farero commander, mounting three carriage guns, and manned with seventy-four men, and small arms in proportion, now lies at the quarantine ground.

It is officially reported to the collector's office of this district, that a number of officers and men, landed from said brig at Staten Island, and in a fracas that took place yesterday, between them and the inhabitants on shore, they threatened to demolish or burn a house on said island."

Extract of a Letter from Captain John H. Elton, to the Hon. B. W. Crowninshield, Secretary of the Navy, dated "United States' Brig Saranac, Cumberland Sound, September 26, 1817.

"THE patriotism of Amelia Island appears to be confined to privateering and plundering. General Aury has the command," &c.

Extracts from a Letter from Captain John H. Elton to the Hon. B. W. Crowninshield, Secretary of the Navy, dated United States' Brig Saranac, Cumberland Sound, October 10, 1817.

"I HAVE detained a felucca, or small schooner, that sailed from Fernandina, under a commission granted by general M'Gregor to one John Morrison, for two reasons; first, as a pirate, for having captured an English schooner with regular papers, bound from Nassau to Barracon, called the Brothers; the commission was granted to John Morrison, a citizen of the United States, and who, during the cruise, resided at St. Mary's, in Georgia, and the commission was made use of by one Edward Fenner, who likewise captured a Spanish schooner; both are detained for investigation. They have been out some time, and have received provision from some English and American vessels, they say, gratis. The crew consisted of 18, and I suppose they could not carry provisions for ten days. On the 6th instant I detained the schooner *Hornet*, she was commissioned by General M'Gregor 22d July last, John Smith commander. She cleared out from Philadelphia in August as the *Traveller*; she received her arms and men in the Delaware Bay, near Lewistown. On the 6th or 7th September, she, for the first time, assumed the name of the *Hornet*, went off Cuba, made two prizes, the crew mutinied, and in that state was coming in."

"Until I get directions how to consider the island of Amelia, and the people bound to that place, it will be impossible to prevent either slaves or goods being smuggled."

"As most of the patriots there are one day an American citizen and the next at Fernandina, tis easy for them and their agents to evade all the vigilance we are possessed of. One small Spanish vessel, a prize to a privateer, got into the port before we could board, with seventeen slaves. I would have taken her out immediately, but I considered it neutral ground, and it was the wish of government not to infringe—fearful of that error, our boats are generally sent out to board at sea."

Extract of a Letter from Captain John H. Elton, to the Secretary of the Navy, dated United States' Brig Saranac, Cumberland Sound, October 19, 1817.

"DAY before yesterday I sent out to detain a Spanish slave vessel, prize to a Mexican privateer; the captain

and owner came in to converse with me, and the officer neglecting to leave any persons in charge, the people from Fernandina went secretly off, and landed all the blacks on the outer part of the island."

Extract of a Letter from Captain John H. Elton, to the Secretary of the Navy, dated United States' Brig Saranac, Cumberland Island, November 15, 1817.

SIR,—On the 9th instant I sent a boat out to board a vessel from sea. The officer had not been informed to take charge of her, until I had thoroughly overhauled her, if she was a slave vessel. He was at Savannah when the instructions were issued. He returned, and reported it was a slave vessel, prize to the Brutus privateer. I despatched a boat to bring her in for examination. The officer, acting sailing master M'Cluny, met her coming in, and, as it was dangerous to heave her to, remained on his oars, to drop alongside. They pretended to give him a rope—they did not, but passed him—he caught by a boat astern. The prize master threatened to fire on him, if he attempted to board; and, when musketry was fired under his stern, it was returned. The alarm was given by the boat. I unfortunately was on Cumberland Point, where only one gun was mounted, from which we fired two shot to bring her to. The first lieutenant fired three from the brig. Two of the five struck her, but she succeeded in getting into Fernandina. Although irritated at the insult, I did not conceive it correct to attempt force, to have her driven from neutral waters, but proceeded, as I thought, most correct; and the enclosed correspondence has passed between general Aury and myself. 'Tis true, shot was fired at her when close to Amelia, but the officer assures me she was on the northern part of the channel when he attempted to board. If half the depth of water is allowed us, she was on our side. I have informed you that the channel over the bar was on their side, or to the southward of a direct line drawn between the islands to the sea. I never have been instructed on that head, but I really think they hold the island by too precarious a tenure, to be yet so very tenacious of their rights. A verbal answer was returned, at first, to my application, that they would protect her. Not knowing how the United States wished to view these people, I did not think proper to attempt to destroy the establishment, but sent out lieutenant com-

mandant E. R. M'Call, to bring back the privateer Jupiter, to remain as a pledge, until I heard from government. It has excited considerable feeling, and no other privateers attempted to sail. The slave vessel was brought over last night, but every thing but slaves, and a small quantity of rice, was taken from her, and she appeared in a very filthy state. The prize master was not sent, neither any of the prize crew. I have written for the former—whether he will be sent I cannot vouch. Yet, as retribution could so soon be had, if force was authorized, and wishing not to interrupt harmony, if it is wished by the United States, I have released the privateer Jupiter, and the High Flyer sailed immediately on a cruise.

A prior correspondence took place, as regarded captain Farnham. It was represented to me that he was a citizen, and only went there to trade. It appears he had been in the service of the patriots for some time. The application was, of course, dropped.

I shall send the slave vessel to Savannah for adjudication, and if the prize master is found, shall send him also. He is an old offender, by the name of Austin.

The situation of Amelia, is, by no means, a quiet one. Those at present there, act very strangely. There has been a French party and an English party—they have been in constant alarm of each. The French party is now trying as many of the English party as possible, and strangely are making a Botany Bay of the United States, as you will perceive, by a proclamation enclosed you. So much discontent prevails, that I should not be surprised to see them engaged in civil war. The slave vessels that have hitherto entered Fernandina, I have no doubt have smuggled all their slaves to the United States. Small boats are permitted to pass and repass; as they are rowed by slaves, they can smuggle one or two at a time without detection. Another mode of smuggling is, that the law makes no provision how to consider boats of less than five tons. I sent one of that description to the collector. She was filled with provisions and naval stores, from Savannah to Amelia—she had no clearance—the law requires none; but from a passenger on board, I had no doubt, in my own mind, it was to fit out a former slave vessel, as a privateer. She was released by the collector. Am I to stop arms, ammunition, &c. bound from the United States to Fernandina, if not cleared as such? They term them

boxes of merchandise, very frequently, and sometimes have more than they clear out.

Captain John H. Elton to Commodore or General Aury. United States' Brig Saranac, Cumberland Island, November 3, 1817.

SIR,—I have just received a note from B. Farnham, mentioning his confinement at Fernandina, and requesting my interference, as he conceives his life in danger. As he is an American citizen, and situated as Fernandina is, I am bound to make that request, and hope that his offence is not so great, but that he may be delivered to an officer of this vessel, sent for that purpose. If he has willingly subscribed to any military law, or regulation, and has broken them, I shall not urge this request, but the life of a citizen being too valuable to be jeopardized, I shall write to the President of the United States on the subject, and expect, until his determination is known, that his life is not injured. If he has not subscribed to any military law, it would be well to consider the right to try him, as no declaration of independence has been issued by you, or acknowledged by the United States. I am sorry to be obliged to trouble you, &c. I have the honour to be, &c.

JOHN H. ELTON.

Captain John H. Elton to General Aury. United States' Brig Saranac, Cumberland Sound, November 9, 1817.

SIR,—Last evening a schooner passed into Amelia, or Fernandina, that had been attempted to be boarded by a boat from the Saranac. She fired at the boat—whatever character she assumes, she must answer for the insult according to the laws of the United States. I cannot believe that yourself, or people of Fernandina, can give the least sanction to such proceedings. Under that belief, I have sent a boat to bring her over to American waters, provided no objection was started. If she is refused or protected, I shall consider that Fernandina has hoisted the flag of defiance, and act accordingly.

I have the honour to be, &c. JOHN H. ELTON.

Translation of four letters of — Aury. to Captain John H. Elton, of the United States' Navy. Head Quarters of Fernandina, Amelia Island, November 4, 1817, 8th year, and the 1st of Independence.

SIR,—I have received your letter yesterday, in favour

of captain Farbam, or Varnum, now a prisoner in this city, and arraigned before a council of war, for mutiny and sedition.

I am very sorry to inform you in reply, that the case of this individual is very different from what he has represented it to be. Mr. Varnum has been serving on board of South American privateers for sometime, and was actually employed in fitting out a privateer in this port, for which he has been refused a commission, in consequence of the irregularity of his former conduct. Moreover, the crime of which he is accused, tending to nothing less than the disturbance of social order, the right of our jurisdiction to judge and punish him, according to the laws of the United States, which we have adopted, cannot be at all questionable.

Permit me, however, to assure you that nothing would have induced me to have entered into this explanation, but the esteem I entertain for yourself individually, and the respect and interest which the citizens of the republick entertain for every thing that may have any relation to our neighbours and brethren of the United States.

I am, &c.

AURY.

*Head Quarters of Fernandina, Amelia Island, Nov. 9, 1817,
8th year, and 1st of the Independence.*

SIR,—Your letter of this day has been received. As its contents involve a matter of so much importance, I have given orders for a proper investigation into the conduct of the captain of the prize referred to. In the mean time, I can assure you, that if he shall be found guilty of any violation of the law of nations, he shall be severely punished. As this government is desirous of maintaining the best harmony and good understanding with yourself and all other officers of the United States, nothing will be left undone, on our part, to give all suitable satisfaction.

AURY.

*Head Quarters of Fernandina, Amelia Island, Nov. 11, 1817,
8th year, and 1st of the Independence.*

SIR,—Your letter of the tenth came to hand yesterday. This rising republick, of the Florida, just in its principles, feels disposed, at all times, to do whatever justice and its own dignity demand.

As yet the result of the investigation, which I have order-

ed, and which I stated to you in my last, has not come to my knowledge. As soon, however, as it is known, I will communicate it to you.

With respect to the reply I made to the officer sent by you, in the first instance, I can assure you it was to this effect, viz: "I have to consult on the matter with other persons composing the council, and until I have heard their resolution, I cannot give you a verbal or written answer."

God grant you many years.

AURY.

*Head Quarters of Fernandina, Amelia Island, Nov. 12, 1817,
8th year, and 1st of the Independence.*

SIR,—As you have proceeded to impede the entry and departure from vessels to and from the port of Fernandina, in consequence of having failed in your attempt to board, with your boats, the schooner "Tentativa," a prize to the Brutus, a privateer of the Mexican republick, being within the limits of our waters, at the distance of one hundred and fifty feet from the coast of this island; in order to obviate difficulties, for the present, I have determined to place at your disposal the aforesaid vessel, hoping that the United States of America will administer to us that justice which appertains to a great and liberal nation.

God grant you many years.

AURY.

Extract of a Letter from Thomas Wayne, Esq. Purser on board the United States' Brig Saranac, to Benjamin Homans, dated St. Mary's River, Sept. 27, 1817.

"ON our arrival here, we found general M'Gregor in command of Amelia Island. A few days afterwards he decamped, and embarked on board the privateer M'Gregor, formerly the St. Joseph. The command of the island devolved on colonel Irvin, an American, who was, in a few days, attacked by the Spaniards. After an engagement of forty-eight hours, which was all smoke: it terminated without the loss of a single life, and the Spaniards retreated.

"The noted Woodbine, of infamous memory, arrived here from Nassau, with a view, as was said, to join the patriots: but his friend, M'Gregor, having left the cause, he was disappointed, and embarked with M'Gregor, who sailed a few days since for Nassau, to commence some new expedition, which, it is generally supposed, will be to the bay of Espirito Santo, or bay of Tambo, in latitude

28 degrees 15 minutes N. and longitude, 76 degrees 30 minutes W. This is an extensive bay, and capable of admitting ships of any size, contiguous to which are the finest lands in East Florida, which Woodbine pretends belong to him, by virtue of a grant from the Indians. He says he has surveyed the whole of the gulf of Mexico, and Tambo Bay is the only place into which large ships can enter.

“The patriots of Amelia are a most heterogeneous set, consisting of all countries and languages, except Spanish Americans. Amongst them may be found Americans, French, Irish, Scotch, English, Dutch, Germans, Haytians, Petions, &c. all come ostensibly to aid the cause of the patriots of South America; but their real motive is, no doubt, to prey upon whom they can. Should they continue in Amelia Island, the place will become a second Barrataria.

“At this time the government consists of Monsr. Aury, who is commander in chief of the naval and military forces; and Ruggles Hubbard, formerly high sheriff of New York, is the civil governour.

“A number of prizes, of considerable value, have been brought into Amelia, by Aury's squadron.

“It appears to be the anxious wish of the inhabitants, of the opposite side of the river, to be under the American government, as they are not now secure from either party.”

A. G. Villeret to Captain John H. Elton, respecting the Schooner America Libre. Fernandina, Nov 4, 1817.

SIR,—My having been very sick has prevented me of the honour of seeing you. You will probably see in the Charleston papers an advertisement* of mine, stating that captain Bernard Ferrero had run away with the schooner America Libre; now, I have received this day a letter of the said captain Bernard, in which he explains to me the motive of his sailing, mistaking or misunderstanding one of my orders, which has put me under the necessity to send an express this morning to Charleston to contradict the first advertisement, begging the collectors and navy officers of the United States not to detain the said Bernard, as I

* This advertisement has not been officially communicated to the Department of State, but it was published in the publick journals, and it is recollected that it contained a declaration that the person therein named, captain Bernard Ferrero, had no commission as commander of the schooner America Libre.

had requested by my first advertisement. I therefore beg you, sir, should the said captain Bernard appear off this port with the said schooner *America Libre*, or any prize of her, not to molest them, and allow them to enter freely here; as I have charged Dr. Gual with all the business of Venezuela, he will give you any other information, should any difficulty occur with respect to captain Bernard, or the prizes he may send him, which I hope will not be the case, trusting, that after this application of mine, to you, you will let them freely enter this port.

I have the honour to remain, &c. A. G. VILLERET.

A Register of the Proceedings at Galvezton, April 15, 1817.

THE undersigned persons having appeared for the purpose of taking the necessary oath of fidelity to the Mexican republick, now in the possession of those who represent that nation in this quarter, which act having been executed with all the solemnity due to the occasion, appeared.

1. The citizen Louis Dericux, commandant, who took the said oath in the presence of the citizen Louis Itourribarria, after which the other authorities were severally sworn before the said commandant in regular form; and to establish its authenticity, it has been signed by all those who were present; and the said document, shall be kept in the office of said port or place, with the signatures, as well as that of the representative, so that its validity may, at all times be established. And not being able, from existing circumstances, to obtain a seal of state, its place will be supplied by a common one, until an official one can be procured.

LOUIS ITOURRIBARRIA,	ROUSSELIN,
LOUIS DERIEUX,	R. ESPAGNOL,
A. PIRONNEAU, Jun.	LAFON JENTERIM.
J. DUCOING,	

Bay of Galvezton, April 20, 1817.

THE commanders of the independent Mexican vessels of war, assembled on board the schooner *Jupiter*, for the purpose of nominating, with the requisite formalities required by the authority, which in the name of the Mexican government, legitimately supports this nation, particularly in the existing war, carrying on against the royalists of Spain, in consequence of which, they have proceeded to pronounce an opinion on the following articles:

The undersigned captains and owners of vessels, now in this port, having met according to publick notice, have taken into consideration the proceedings of the 17th of this month, under which they named the citizen colonel Louis Derieux, military commandant, the citizen captain A. Peronnean, jun. as adjutant commandant, the citizen, J. Ducoing, as judge of the admiralty, the citizen Rousse-
lin, as administrator of the revenue, and the citizen R. Espagnol, as secretary of the publick treasury; all of whom, have been recognized by the provisional assembly; and at the same time, the citizen Jean Jannet, was appointed marine commandant of the said place, with all the necessary powers.

And after due deliberation, all the members of this assembly unanimously resolved, that the duties which shall accrue from the prizes already arrived, or may hereafter arrive at the port of Galvezton after condemnation being pronounced, shall be disposed of as follows:

1st. The treasurer shall pay on demand, (*bisto bueno*) on the order of the government of the place, every expense which may be necessary for the port or harbour of Galvezton, for the support of the officers employed, and for munitions of war and other expenses fixed according to the claims and obligations of the several officers.

2dly. That when the expenses of one month are ascertained, those of the month following may be anticipated out of the funds in hand.

3dly. That the surplus will be applied towards the payment of the debts of the government contracted prior to the 15th of April, 1817, upon the express condition, however, that no one, who is not actually employed at the said port, shall enjoy the advantage of that arrangement, and that the old debts will be paid only to those who are actually employed at the port of Galvezton.

4thly. That the salaries of the officers and others employed, will be regulated by a special council, and that the whole will be entered in the register of the deliberations.

The whole has been signed in the presence of the secretary protempore, Lafon.

L. Derieux, A. Peronneau, jun. John Ducoing, Rousse-
lin, Jean Jannet, Richard Espagnol, Parisi, John Queré,
Dutrieu, Denis Thomas, Faiquiere, Joseph Place, Renaud,
B. Lavard, Savary, Marcelin, Gilop.

Passport from Don Radmond Gil, Lieutenant in the Royal Navy, to Mr. Casimir Prieto, Captain of the Brig Charles.

I, DON REDMOND GIL, lieutenant of a frigate, having rank in the royal navy, captain of this port, charged with the branch of the naval engineers, and the superintendence of the merchant vessels in this province, member of the board of health of this place, on behalf of his majesty, and temporary commandant of the marine register of this province, &c.

Hereby certify, that Mr. Casimir Prieto, captain, pilot, and sailing master of the brig Charles, belonging to the United States of America, arrived in this port on the twenty-first day of the present month, from New Orleans, with a cargo of goods: that he declared and certified, that the Mexican privateer "Congresso Mexicano" opened his register and all his papers, and took away his sailing orders, and other documents, and carried off his mate. And to the end, that the said captain Prieto may make known to all whom it may concern, the proceeding of the said privateer, and be enabled to return with his vessel, to the port of his destination, I have granted him the present at Vera Cruz, this first day of July, 1817. RAMON GIL.

[Gratis.]

Nota. Free to pass, by permission of the government.
To Tli. Federico Melas.

I CERTIFY, that I visited the brig "Charles," under American colours, from New Orleans, and allowed her to proceed, after examining her papers.

At sea, the 13th June, 1817.

L'ANGE.

Commander of the privateer "L'Amiable Aimee."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE SENATE, RELATIVE TO THE RESTITUTION OF SLAVES UNDER THE FIRST ARTICLE OF THE TREATY OF GHENT. DEC. 29, 1817.

IN compliance with a resolution of the Senate of the 16th of this month, requesting information touching the execution of so much of the first article of the treaty of

Ghent, as relates to the restitution of slaves, which has not heretofore been communicated, I now transmit a report of the Secretary of State on that subject.

JAMES MONROE.

Department of State, December 24, 1817.

THE Secretary of State to whom has been referred the resolution of the Senate, of the 16th instant, requesting information touching the execution of so much of the first article of the treaty of Ghent, as relates to the restitution of slaves, which has not heretofore been communicated, has the honour to report to the President,

That no answer has yet been received from the British government to the proposal made by order of the late President, on the 17th of September, 1816, that the question upon the different construction given by the respective governments to that article, should be referred to the decision of some friendly sovereign. That the late minister of the United States in England, before his departure from London, renewed the request for an answer, and that the present minister at the same court has been instructed to invite again the attention of the British government to the subject.

All which is respectfully submitted:

JOHN QUINCY ADAMS.

REPORT

OF THE COMMITTEE ON FOREIGN RELATIONS RELATIVE TO
THE INTRODUCTION OF SLAVES FROM AMELIA ISLAND.
JAN. 10, 1818.

The committee, to whom was referred so much of the President's message as relates to the illicit introduction of slaves from Amelia Island, having carefully taken the matter committed to them into consideration, respectfully report :

THAT, having applied to the department of State for information respecting the illicit introduction of slaves into the United States, they were referred by the Secretary of State, to the documents transmitted to this House by the President's message of the 15th December last, con-

sisting of various extracts of papers on the files of the departments of State, of the Treasury, and of the Navy, relative to the proceedings of certain persons who took possession of Amelia Island in the summer of the past year, and also relative to a similar establishment, previously made at Galvezton, near the mouth of the river Trinity.

Upon a full investigation of these papers, with a view to the subject committed to them, your committee are of opinion, that it is but too notorious that numerous infractions of the law prohibiting the importation of slaves into the United States, have been perpetrated with impunity upon our southern frontier; and they are further of opinion, that similar infractions would have been repeated with increasing activity, without the timely interposition of the naval force under the direction of the Executive of our government.

In the course of their investigation, your committee have found it difficult to keep separate, the special matter given into their charge, from topics of a more general nature, which are necessarily interwoven therewith: they therefore crave the indulgence of the House, while they present some general views connected with the subject, which have developed themselves in the prosecution of their inquiry.

It would appear from what can be collected from these papers that numerous violations of our laws have been latterly committed by a combination of freebooters and smugglers of various nations, who located themselves in the first instance, upon an uninhabited spot, near the mouth of the river Trinity, within the jurisdictional limits of the United States, as claimed in virtue of the treaty of cession of Louisiana by France. This association of persons organized a system of plunder upon the high seas, directed chiefly against Spanish property, which consisted frequently of slaves from the coast of Africa; but their conduct appears not always to have been regulated by a strict regard to the national character of vessels falling into their hands, when specie or other very valuable articles formed part of the cargo. Their vessels generally sailed under a pretended Mexican flag, although it does not appear that the establishment at Galvezton was sanctioned by, or connected with any other government; the presumption, too, of any authority ever having been given

for such an establishment, is strongly repelled, as well by its piratical character, as its itinerant nature ; for the first position at Galvezton, was abandoned on or about the fifth of April last, for one near Matagorda, upon the Spanish territory ; and at a later period, this last was abandoned and a transfer made to Amelia Island, in East Florida ; a post which had been previously seized by persons who appear to have been equally unauthorized, and who were at the time of the said transfer, upon the point, it is believed, of abandoning their enterprize, from the failure of resources, which they expected to have drawn from within our limits, in defiance of our laws. There exists on the part of these sea rovers, an organized system of daring enterprize, supported by force of arms ; and it is only by a correspondent system of coercion that they can be met, and constrained to respect their rights of property and the laws of nations. It is deeply to be regretted that practices of such a character, within our immediate neighbourhood, and even within our jurisdictional limits, should have prevailed unchecked for so long a time ; the more especially, as one of their immediate consequences was to give occasion to the illicit introduction of slaves from the coast of Africa, into these United States, and thus to revive a traffick repugnant to humanity, and to all sound principles of policy, as well as severely punishable by the laws of the land.

By the 7th section of the act prohibiting the importation of slaves, passed in 1807, the President is fully authorized to employ the naval force to cruise on any part of the coast of the United States or territories thereof, where he may judge attempts will be made to violate the provisions of that act, in order to seize and bring in for condemnation, all vessels contravening its provisions, to be proceeded against according to law.

By the joint resolution of the Senate and House of Representatives, of 15th January, 1811, and the act of the same date, the President is fully empowered to occupy any part, or the whole of the territory lying east of the river Perdido, and south of the state of Georgia, in the event of an attempt to occupy the said territory, or any part thereof, by any foreign government or power ; and by the same resolution and act, he may employ any part of the army and navy of the United States, which he may deem necessary, for the purpose of taking possession and

occupying the territory aforesaid, and in order to maintain therein the authority of the United States.

Among the avowed projects of the persons who have occupied Amelia Island, was that of making the conquest of East and West Florida, professedly for the purpose of establishing there an independent government; and the vacant lands in those provinces, have been from the origin of this undertaking down to the latest period held out as lures to the cupidity of adventurers, and as resources for defraying the expenses of the expedition. The greater part of West Florida, being in the actual possession of the United States, this project involved in it designs of direct hostility against them; and as the express object of the resolution and act of 15th January, 1811, was to authorize the President to prevent the province of East Florida from passing into the hands of any foreign power, it became the obvious duty of the President to exercise the authority vested in him by that law. It does not appear that among these itinerant establishers of republicks, and distributors of Florida lands, there is a single individual inhabitant of the country where the republick was to be constituted, and whose lands were to be thus bestowed. The project was therefore an attempt to occupy that territory by a foreign power. Where the profession is in such direct opposition to the fact: where the venerable forms by which a free people constitute a frame of government for themselves, are prostituted by a horde of foreign free booters, for purposes of plunder; if, under colour of authority from any of the provinces contending for their independence, the Floridas, or either of them, had been permitted to pass into the hands of such a power, the committee are persuaded it is quite unnecessary to point out to the discernment of the House, the pernicious influence which such a destiny of the territories in question must have had upon the security, tranquillity, and commerce of this union.

It is a matter of publick notoriety, that two of the persons who have successively held the command at Amelia Island, whether authorized themselves by any government or not, have issued commissions for privateers, as in the name of the Venezuelan and Mexican governments, to vessels fitted out in the ports of the United States, and chiefly manned and officered by our own countrymen, for the purpose of capturing the property of nations with

which the United States are at peace. One of the objects of the occupation of Amelia Island it appears, was to possess a convenient resort for privateers of this description, equally reprobated by the laws of nations, which recognize them only under the denomination of pirates, and by several of the treaties of the United States, with different European powers, which expressly denominate them as such.* It was against the subjects of Spain, one of the powers with which the United States have entered into stipulations prohibiting their citizens from taking any commission from any power with which she may be at war, for arming any ships to act as privateers, that these vessels have been commissioned to cruise; though, as the committee have observed, no flag, not even that of our own country, has proved a protection from them.

The immediate tendency of suffering such armaments, in defiance of our laws, would have been to embroil the United States with all the nations whose commerce with our country was suffering under these depredations, and if not checked by all the means in the power of the government, would have authorized claims from the subjects of foreign governments, for indemnities at the expense of this nation, for captures by our people in vessels fitted out in our ports, and as could not fail of being alleged, countenanced by the very neglect of the necessary means of suppressing them.

The possession of Amelia Island as a port of refuge for such privateers, and of illicit traffick in the United States of their prizes, which were frequently, as before stated, slave ships from Africa, was a powerful encouragement and temptation to multiply these violations of our laws, and made it the duty of the government to use all the means in its power to restore the security of our own commerce, and of that of friendly nations upon our coasts, which could in no other way more effectually be done, than by taking from this piratical and smuggling combination, their place of refuge.

In order, therefore, to give full effect to the intentions of the legislature, and in pursuance of the provisions of the above recited resolution and acts, it became necessa-

* See the treaty of peace with France, 1778, art. 21st, United States' Laws, vol. i, p. 88; with the Netherlands, 1782, art. 19, v. i, p. 162; with Sweden, 1783, art. 23. v. i, p. 190; with Great Britain, 1794, art. 21, v. i, p. 218; with Prussia, 1785, art. 20, v. i, p. 238, and 1797, art. 20. p. 256; with Spain, 1795, art. 14, v. i, 270.

ry, as it appears to the committee, to suppress all establishments of the hostile nature of those above described, made in our vicinity, the objects of which appear to have been the occupation of the Floridas, the spoliation of peaceful commerce upon and near our coasts by piratical privateers, the clandestine importation of goods, and the illicit introduction of slaves within our limits. Such establishments, if suffered to subsist and strengthen, would probably have rendered nugatory, all provisions made by law, for the exclusion of prohibited persons. The course pursued on this occasion, will strongly mark the feelings and intentions of our government, upon the great question of the slave trade, which is so justly considered by most civilized nations, as repugnant to justice and humanity, and which, in our particular case, is not less so to all the dictates of a sound policy.

Your committee anticipate beneficial results, from the adoption of these measures by the Executive, in the promotion of the security of our southern frontier and its neighbouring seas; and in the diminution of the evasions latterly so frequent, of our revenue and prohibitory laws. The experience of ten years has, however, evinced the necessity of some new regulations being adopted, in order effectually to put a stop to the further introduction of slaves into the United States. In the act of Congress prohibiting this importation, the policy of giving the whole forfeiture of vessel and goods to the United States, and no part thereof to the *informer*, may justly be doubted. This is an oversight which should be remedied. The act does indeed give a part of the *personal* penalties to the informer, but these penalties are generally only *nominal*, as the persons engaged in such traffick are usually poor. The omission of the states to pass acts to meet the act of Congress, and to establish regulations in aid of the same, can only be remedied by Congress legislating directly upon the subject themselves, as it is clearly within the scope of their constitutional power to do.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS, RELATIVE TO THE CAPTURE OF AMELIA ISLAND.
JAN. 13, 1818.

I HAVE the satisfaction to inform Congress, that the establishment at Amelia Island has been suppressed, and without the effusion of blood. The papers which explain this transaction, I now lay before Congress.

By the suppression of this establishment and of that of Galvezton, which will soon follow, if it has not already ceased to exist, there is good cause to believe that the consummation of a project fraught with much injury to the United States has been prevented. When we consider the persons engaged in it, being adventurers from different countries, with very few, if any, of the native inhabitants of the Spanish colonies, the territory on which the establishments were made; one on a portion of that claimed by the United States, westward of the Mississippi, the other on a part of East Florida, a province in negotiation between the United States and Spain—the claim of their leader as announced by his proclamation on taking possession of Amelia Island, comprising the whole of both the Floridas, without excepting that part of West Florida which is incorporated with the state of Louisiana—their conduct while in the possession of the island, making it instrumental to every species of contraband, and in regard to slaves of the most odious and dangerous character, it may fairly be concluded, that if the enterprise had succeeded on the scale on which it was formed, much annoyance and injury would have resulted from it to the United States.

Other circumstances were thought to be no less deserving of attention. The institution of a government by foreign adventurers in the island, distinct from the colonial governments of Buenos Ayres, Venezuela, or Mexico, pretending to sovereignty, and exercising its highest offices, particularly in granting commissions to privateers, were acts, which could not fail to draw after them, the most serious consequences. It was the duty of the Executive, either to extend to this establishment, all the advantages of that neutrality which the United States had

proclaimed and have observed in favour of the colonies of Spain, who by the strength of their own population and resources, had declared their independence, and were affording strong proof of their ability to maintain it, or of making the discrimination which circumstances required. Had the first course been pursued, we should not only have sanctioned all the unlawful claims and practices of this pretended government in regard to the United States, but have countenanced a system of privateering in the gulf of Mexico, and elsewhere, the ill effects of which, might, and probably would have been deeply and very extensively felt. The path of duty was plain from the commencement, but it was painful to enter upon it while the obligation could be resisted. The law of 1811, lately published, and which it is therefore proper now to mention, was considered applicable to the case, from the moment that the proclamation of the chief of the enterprise was seen, and its obligation was daily increased by other considerations of high importance already mentioned, which were deemed sufficiently strong in themselves to dictate the course which has been pursued.

Early intimations having been received of the dangerous purposes of these adventurers, timely precautions were taken by the establishment of a force near the St. Mary's to prevent their effect, or it is probable, that it would have been more sensibly felt.

To such establishments made so near to our settlements, in the expectation of deriving aid from them, it is particularly gratifying to find, that very little encouragement was given.

The example so conspicuously displayed by our fellow citizens, that their sympathies cannot be perverted to improper purposes, but that a love of country, the influence of moral principles, and a respect for the laws, are predominant with them, is a sure pledge, that all the very flattering anticipations, which have been formed of the success of our institutions, will be realized. This example has proved, that if our relations with foreign powers are to be changed, it must be done by the constituted authorities who, alone, acting on a high responsibility, are competent to the purpose; and until such change is thus made, that our fellow citizens will respect the existing relations, by a faithful adherence to the laws which secure them.

Believing that this enterprise, though undertaken by persons, some of whom may have held commissions from some of the colonies, was unauthorized by, and unknown to the colonial governments, full confidence is entertained, that it will be disclaimed by them, and that effectual measures will be taken, to prevent the abuse of their authority in all cases to the injury of the United States.

For these injuries, especially those proceeding from Amelia Island, Spain would be responsible, if it was not manifest that although committed in the latter instance through her territory, she was utterly unable to prevent them. Her territory however ought not to be made instrumental, through her inability to defend it, to purposes so injurious to the United States. To a country over which she fails to maintain her authority, and which she permits to be converted to the annoyance of her neighbours, her jurisdiction for the time, necessarily ceases to exist. The territory of Spain will nevertheless be respected, so far as it may be done consistently with the essential interests and safety of the United States. In expelling these adventurers from these posts, it was not intended to make any conquest from Spain, or to injure in any degree the cause of the colonies. Care will be taken that no part of the territory contemplated by the law of 1811, shall be occupied by a foreign government of any kind, or that injuries of the nature of those complained of, shall be repeated, but this it is expected, will be provided for, with every other interest in a spirit of amity, in the negotiation now depending with the government of Spain.

JAMES MONROE.

From the Secretary of War to the President of the United States. January 12, 1818.

SIR,—I have the honour to transmit copies of the orders which have been given by the acting Secretary of War to major Bankhead, in relation to taking possession of Amelia Island, and copies of the communications which have been made to this department by that officer, which embrace all the information in my possession.

I have the honour to be, &c. J. C. CALHOUN.

United States' Ship John Adams, off Amelia, Dec. 22, 1817.

SIR,—We have received orders from our government to take possession of Amelia Island, and to occupy the

port of Fernandina with a part of our force, which will be moved over, as soon as it will be convenient for your troops to evacuate it.

To avoid unnecessary delay, we think proper at this time to inform you, in the event of your acquiescence in this demand, that you will be at liberty to depart with the forces under your command, and such property as belongs unquestionably to them will be held sacred.

You are to leave the publick property found by general M. Gregor, at Fernandina, in the same condition it was taken, and the property of the inhabitants of Amelia Island must be restored to them, where they have been forcibly dispossessed of it, and no depredations on private property from this period will be permitted with impunity.

Should you, contrary to the expectations of the President of the United States, refuse to give us peaceable possession of the island, the consequences of resistance must rest with you. We have the honour to be, &c.

J. D. HENLEY,

Captain in the Navy, and Commander in Chief
of the Naval Forces of the United States,
off Amelia.

JAS. BANKHEAD,

Major 1st Battalion Artillery, U. States Army,
and commanding Military Forces.

Gen. Aury, Commander in Chief
of the Forces at Fernandina.

*Head Quarters, Fernandina, Island of Amelia, Dec. 22,
1817, and 8th of the Independence.*

GENTLEMEN,—I have had the honour to receive your official letter of this day. The nature of its contents requiring mature deliberation, I have submitted the same to the representatives of the republick, and as soon as I shall have obtained their opinion it shall be immediately sent to you.

I can, however, state to you, gentlemen, that no opposition will be made to surrender the island of Amelia, on the part of this government.

I have the honour to remain, &c.

AURY,

Commander in Chief.

Commodore J. D. Henley, Maj. Bankhead,
&c. on board the U. S. Ship John Adams.

*Head Quarters, Fernandina, Island of Amelia, Dec. 22,
1817, 8th of the Independence.*

GENTLEMEN,—I have received your official letter of this day, by which, in the name of the government of the United States, you summon us to evacuate this place with the troops under my command, as possession thereof is to be taken by the forces under your commands, under certain conditions therein specified.

This republick, that of Mexico, nor any other of South America, being at war with the United States, oblige me to state to you, that the contents of your letter have greatly surprised this government, and the people of the state. You have nevertheless intimated, that in case of our acquiescence to your demand, we shall be permitted to evacuate this island, which never was or ever has been a part of the United States. Allow me gentlemen to observe to you, that from the moment we took Fernandina by the force of our arms, we entered into the full possession of all the rights appertaining to our enemy, and that to this day, we have supported these rights at the risk of lives and fortunes. The boundaries of the Floridas and the United States, having been fairly settled by the treaty of friendship, limits, and navigation, on the 22d of Oct. 1795, leave us at a loss to ascertain your authority to interfere in our internal concerns.

Our surprise increases when we reflect, that your communication comes as authorized by the government of a people, who glory in their respect for the rights of nations, whether great or small, and who no doubt sympathize and wish success to their southern brethren in the struggle for liberty and independence, in which they are engaged, as were the United States forty years ago.

On the other side you promise to hold sacred, such of our property as *unquestionably* belongs to our citizens. Who is to be the judge in this case? The United States who can by no means claim any kind of jurisdiction from the source of the river St. Mary's, down to the ocean, on this side of the centre of the channel! We entertain too much veneration for your constitution, to believe for a moment, that you, supposed already in possession of this island, which has never been ceded by the king of Spain, or by its inhabitants to the United States, can bring with you a competent tribunal to decide upon this question. The only law you can adduce in your favour, is that of

force, which is always repugnant to republican governments, and to the principles of a just and impartial nation. The same observation may be applied to your interference with the property of the inhabitants, which we have always respected and considered as sacred.

You order us also, as if we were subjects of your government, to leave behind, when Fernandina is evacuated, all the publick property that was found at its surrender. This demand is directly contrary to the publick rights by which all publick property captured by the enemy, is avowedly that of the captors when not otherwise stipulated: are you acting in the name of the king of Spain or his allies? As we consider the people of the United States, as unquestionably the only free people on the surface of the globe, we cannot admit, that you have now become the adherents of a tyrant—otherwise your demand is inadmissible and unjustifiable in the eyes of the world, and if we must yield to it, all the blame rests with you.

Permit me therefore, gentlemen, to request of you to lay before the President of the United States, these remarks, in order that a matter of so serious a tendency may be reconsidered. We have read his excellency's message at the opening of Congress, with the utmost concern, and I have concluded that the political situation of this republick, has been greatly misrepresented in the United States, through the intrigues of our enemies. We have certainly a right to be heard, for which purpose, I shall have the honour of forwarding to your government, the necessary documents. If you are not disposed to let things remain in *statue quo* until the President's further determination be known, I am authorized to assure you, that we respect and esteem too highly the people of the United States, to carry matters to extremities.

I have the honour to remain, &c.

AURY, Commander in Chief.

J. D. Henley, Esq. Captain in the U. S. Navy, &c.

James Bankhead, Esq. Maj. of the 1st Bat. Artillery, &c.

*United States' Ship John Adams, off Amelia Island, Dec.
23, 1817.*

SIR,—We have had the honour to receive your communication of the 22d instant, and will briefly remark, that as officers in the service of the United States, we are bound to obey the orders emanating from the authorities

of our government, without any discussion or animadversion on our part as to the correctness of them. We have been ordered by the President of the United States to take possession of Amelia Island, and as the President has expressed his solicitude, that the effusion of blood may be avoided if possible, it must be gratifying to us to be informed by you, that no resistance will be made to us.

We will again remark, that private property will be sacred, and that our orders extend only to the publick property captured by general M-Gregor, at Fernandina.

We propose to land a force to-day, and to hoist the American flag—under that flag, no oppression or unjust measures will ever be witnessed. And we feel assured, that there will be no difficulties in the arrangement made by us.

The squadron will immediately sail into the harbour, when the commanding officer of the land forces will wait on the commander in chief to make the necessary arrangements for the landing of the troops.

We have the honour to be, &c.

J. D. HENLEY,

Captain in the Navy, and Commander in Chief
of the Naval Forces of the United States, off
Amelia.

JAS. BANKHEAD,

Major first Battalion of Artillery of the United
States' Army, and commanding Military
Forces.

Gen. Aury, Commander in Chief of the Forces at Fernandina.

Head Quarters, Fernandina, Island of Amelia, December 23, 1817, and 8th of the Independence.

I HAVE had the honour to receive your letter of this date. I am ready to surrender this place to the forces under your command, whenever you may judge proper to come and take possession thereof.

I have the honour to be, &c.

AURY.

J. D. Henley, Esq. Captain in the Navy, and Commander in Chief of the United States' Naval Forces off Amelia.

James Bankhead, Esq. Major 1st Battalion United States' Artillery, and commanding the Land Forces.

Department of War, July 17, 1817.

SIR,—Circumstances having made it necessary to occupy without delay, Point Petre, and the St. Mary's river, by a military and naval force, I have to request, that you will instruct the officer whom, in pursuance of the order issued through the adjutant general, you may detail to take command at Point Petre, to co-operate with the officer commanding the naval force on that station, in such measures as may be deemed necessary for the preservation of the peace and tranquillity of that section of the country, which there is reason to apprehend may be disturbed in consequence of the contest between the Spanish royalists and patriots, for the occupation of the adjacent territory. The officer will also be instructed to use due vigilance to prevent the violation of the revenue laws of the United States, and in particular to prevent the illicit introduction of slaves into the United States; and in order to do this the more effectually, he will prohibit all vessels freighted with slaves from entering the river St. Mary's. I have the honour to be, &c.

GEO. GRAHAM.

The Officer commanding at Charleston, S. C.

Extract of a Letter from George Graham, acting Secretary of War, to Major James Bankhead, Charleston, S. C. dated November 12, 1817.

"I AM instructed by the President to direct you to repair immediately to Point Petre, with the effective force under your command, leaving only an officer and a few men as a guard at forts Moultrie and Johnson. Captain Wilson has been ordered to repair with his company now at fort Johnson, North Carolina, to Point Petre, and a detachment of new recruits, under the command of captain Hook, who was on his route to join the 4th infantry, has also been ordered to that place. The troops enumerated above, and those now stationed at Point Petre, will constitute a force of more than two hundred men, of which you will take the command until the arrival of general Gaines. A remittance of five thousand dollars has been made to your battalion quartermaster, whom you will take with you: and you will make requisitions for the necessary supply of provisions on the contractor's agents. It will be advisable to take from Charleston, a

supply of salted meat, and a sufficient quantity of flour and hard bread to serve two hundred and fifty men for thirty days at least."

Department of War, November 12, 1817.

SIR,—It appearing to the satisfaction of the President, that the persons who have lately taken possession of Amelia Island, have done it without the sanction of any of the Spanish colonies, or of any organized government whatever, and for purposes unfriendly to, and incompatible with the interests of the United States, he has decided to break up that establishment, and take temporary possession of Amelia Island: for this purpose, the troops ordered to assemble at Point Petre, will co-operate with the naval force which has been ordered to St. Mary's, under the command of captain Henley.

It is the anxious wish of the President, that this should be accomplished without the effusion of blood; and he confidently hopes, that the force destined for the purpose, will be of such an imposing character, as to induce those persons who now have the military occupation of the island, to abandon it without the exercise of force; but if it should be found to be indispensably necessary force must be used. You will, therefore, immediately on the arrival of captain Henley at St. Mary's, and in conjunction with him, despatch an officer to demand the abandonment of the island, by those who now exercise authority there, and take such other measures as may be deemed proper to obtain the peaceable possession of it; also for the preservation of the property of those persons who were residents of the island when it was first captured by general M'Gregor. Should your demand for the evacuation of Amelia, be complied with, you will then occupy with a part of your force, the position of Fernandina, and take care that the cannon and other implements of war which belonged to the port when captured by general M'Gregor, are not taken off.

If peaceable possession of the island however, cannot be obtained, and it should be the opinion of captain Henley and yourself, that your joint forces are not competent to the prompt and certain reduction of the naval and military forces which may then occupy the harbour and post of Fernandina, you will in that event, make a requisition on general Floyd, or such other officer as may com-

mand that division of the militia of Georgia in which Point Petre is situated, for a force not exceeding five hundred men, to be held in readiness to march at a moment's warning, and await the arrival of general Gaines, who has been ordered to Point Petre, for ulterior measures.

You will take with you from Charleston, the necessary military stores, and such heavy cannon as may be required for the reduction of the fort on Amelia Island, in the event of resistance.

As no answer has been received to the communication addressed to you from this department on the 17th July last, it becomes necessary to request, that the receipt of this may be acknowledged, and that you also advise this department regularly of your movements. I have the honour to be, &c.

GEORGE GRAHAM.

Major James Bankhead, commanding at Charleston, S. C.

Fernandina, Amelia Island, Dec. 24, 1817.

SIR,—I have the honour to lay before you the correspondence held with general Aury, the late commander of this place; and to inform you, that the American flag was raised here yesterday afternoon.

Several days will elapse before general Aury can withdraw his followers, but I have taken every measure to insure tranquillity, by ordering all his black soldiers to be embarked on board one of the ships lying in the port, and by not suffering any person to appear in the town with arms, but his officers, and the moment their vessels are prepared to receive the whole of them, they shall depart.

Most of the inhabitants of this place, at this time, are followers of Aury, and those persons who have been drawn here from motives of speculation, who are, I suspect, of that profligate character generally engaged in the violation or evasion of our revenue laws. I shall, therefore, consult with commodore Henley, and will enforce such regulations as may be most likely to preserve order, until I receive instructions from the government.

Until this place is completely evacuated by this band of negroes and privateersmen, I have deemed it prudent to keep the whole of my force here. On their

departure, I shall move all but one company to Point Petre. I have the honour to be, &c.

JAS. BANKHEAD,

Major 1st battalion Artillery, S. D. commanding
detachment U. S. troops.

George Graham, Esq. Acting Secretary of War.

Fernandina, Amelia Island, Dec. 27, 1817.

SIR,—I had the honour to forward to the War Department, on the 24th instant, a copy of the correspondence with general Aury, previous to the landing of the troops under my command; and I herewith send a duplicate of the same.

Some difficulty has arisen from a want of competent authority, to settle the disputed claims of the residents of this place against the late government and the followers of Aury, who do not seem disposed to comply with their engagements.

One or two vessels have arrived here with cargoes, which the owners are desirous to land; and it might be improper to permit it, without obtaining security for the duties which the laws of the United States require; and other vessels, loaded in this port, have met with some delay in clearing for their destination; but the counsel of general Gaines, who arrived here last night, will regulate my conduct, and will, in a great measure, relieve my anxiety.

I have been obliged to exercise my authority, as commanding officer at this place, to preserve order; and I am happy to say, that nothing unpleasant has occurred. I cannot say when general Aury and his party will sail. Their vessels are much out of order, and their arrangements to that effect progress but slowly. The morning after I landed, I ordered all the black and French troops to be embarked on board some of their vessels; but the crews of their privateers, and many others of all nations, whom it is difficult to restrain from violence and excess, are still here.

Until I am honoured with your instructions, I hope that the course I may pursue may meet the approbation of the President.

General Gaines leaves this for the western frontier of Georgia the day after to-morrow.

I have the honour to be, &c. JAS. BANKHEAD,
Major 1st battalion Artillery,
and commanding this post.

To the Honourable the Secretary of War.

Navy Department, January 13, 1818.

SIR,—I have the honour to enclose, herewith, copies of orders to captain John H. Elton, and commodore John D. Henley, in relation to Amelia Island: also a letter from the latter officer, communicating information of the surrender of that place, to the military and naval force of the United States, together with the correspondence which took place on that occasion. I have the honour to be, &c.

B. W. CROWNINSHIELD.

To the President of the United States.

Navy Department, July 16, 1817.

SIR,—Proceed immediately with the United States' brig Saranac under your command to the river St. Mary's in Georgia, and inform the military commander of your arrival, and of the objects specially designated to you in these orders.

The recent occupation of Amelia Island by an officer in the service of the Spanish revolutionists, occasions just apprehensions, that from the vicinity to the coast of Georgia, attempts will be made to introduce slaves into the United States, contrary to the existing laws; and further attempts at illicit trade in smuggling goods in violation of our revenue laws.

You are hereby directed to detain and search every vessel, under whatever flag, which may enter the river St. Mary's, or be found hovering upon the coast under suspicious circumstances, and seize every vessel freighted with slaves, or whose doubtful character and situation shall indicate an intention of smuggling.

In the execution of these orders, you will take special care not to interrupt or detain any vessels sailing with regular papers, and of a national character, upon lawful voyages to or from a port or ports of the United States.

The traffick in slaves is intended to be restrained, and in the performance of this duty, you will exercise your sound judgment in regard to all vessels you may visit.

Communicate frequently to this Department, every event connected with this service, and if it shall be found necessary, a further naval force will be sent, either to strengthen your command, or to relieve you so as to pursue your original destination. If you find it necessary upon your arrival at St. Mary's to employ a good pilot well acquainted with the coast, rivers, and inlets, you are authorized to do so. I am very respectfully, &c.

B. W. CROWNINSHIELD.

Captain John H. Elton, Commanding
United States' brig Saranac, New York.

Navy Department, November 14, 1817.

SIR,—Having been appointed to the command of the United States' ship John Adams, you are hereby ordered, in conformity to the wishes of the President of the United States, to proceed *forthwith* to the port of St. Mary's, in Georgia, taking with you, the United States' brigs Enterprize and Prometheus, and the schooner Lynx, if the two latter have arrived in New York, and are in a state of readiness to accompany you; but you will not procrastinate the departure of the ship John Adams on account of these vessels, as any of them not fully prepared to proceed with you, shall be ordered to join you as soon as practicable at St. Mary's, at which place you will find the United States' brig Saranac, captain John H. Elton, and gun boat No. 168, lieutenant commandant R. McCall, both of which vessels will act under your orders.

The object of the President of the United States, in ordering this naval force to St. Mary's, is to remove from Amelia Island, the persons who have lately taken possession thereof, and, as it is understood and believed, without authority from the colonies, or any organized government whatever, and to the great annoyance of the United States. It has therefore been determined, that these persons shall be removed from that island, and that possession shall be taken for the present, by the land and naval forces of the United States.

On your arrival at St. Mary's, you will consult with the officer commanding the military force, who is instructed to co-operate with you in the performance of this service.

It is hoped that these persons will withdraw without bloodshed; and you will for this purpose, should your relative rank be superior to that of the commanding officer

of the land forces, make known to the chief, commanding in Amelia, the determination of the government of the United States, to take possession of the island ; and if the said chief, and the armed forces under his command, will peaceably quit the island, you will permit them so to do, taking special care that no depredations be committed on the inhabitants, whom it will be your duty to protect from violation or injury, either in their persons or property.

Should the force, however, now in command of the island, contrary to all expectations, resist and refuse absolutely to give up and abandon the same, you are in co-operation with the military force of the United States, to proceed and take possession of the island, in the name and by the authority of the United States.

Should you fall in with, on your way to St. Mary's, or find in Amelia, any vessels from the United States, armed and equipped by American citizens, acting as privateers, contrary to the laws of the United States, you will capture such, and send them to Savannah, in Georgia, to be dealt with according to law.

You will detain all prizes, or other vessels having slaves on board, as the presumption is strong, that they are intended to be smuggled into the United States. You will report from time to time, to this Department the operations of the force under your command. I am very respectfully, &c. B. W. CROWNINSHIELD.

Commodore J. D. Henley.

P. S. These orders are not to be delivered to any person.

United States' Ship John Adams, off Amelia, Dec. 24, 1817.

SIR,—I have the honour to transmit a copy of the correspondence, with general Aury, late commander of this place, and to inform you that the American flag was yesterday hoisted at Fernandina, and the island of Amelia taken possession of by the land forces under major Bankhead, of the United States' artillery.

The black troops of general Aury, have been embarked on board one of their ships lying in the port, and the remainder of his followers will be sent off the island, as soon as the necessary arrangement can be made for the purpose. They are now engaged in watering their ships, and in the course of a week I hope to see all of them over the bar.

Most of the respectable inhabitants of this place, retired on its capture by M'Gregor, and those now here, are prin-

cipally adventurers who have been attracted by motives of speculation, and as I suspect, and have every reason to believe, been engaged in the violation of our revenue laws, to prevent which in future, such precautions will be taken as are within my power, and which will I presume be adequate to the purpose.

I have not yet been able to examine the ship, and therefore can give you but little further information than was contained in my last communication. The leaks (the principal of which is about two feet under water) still continue, so that we make twenty inches of water per hour, and this lying in port. We are obliged to examine the magazine twice a day, to clear it of the water. I shall land all the powder immediately, to prevent any further damage. The bread, except a very small quantity, is entirely ruined, and unfit for use. I shall order a survey to ascertain the exact quantity of stores damaged, and inform you as early as circumstances will admit.

I shall also inform you by the next mail (which leaves St. Mary's on Saturday next) more particularly of the state of the ship, than has heretofore been in my power, the object of the expedition not having been effected, rendering it impracticable to examine her thoroughly. I am however entirely convinced in my own mind, that the battery now on the ship is too heavy for her, so much so, that I should deem her unsafe for a long cruise.

This will be sent by an express to Darien, the mail leaving this place but once a week.

I have the honour to be, &c. J. D. HENLEY.
The Hon. B. W. Crowninshield,
Secretary of the Navy.

United States' Ship John Adams, off Amelia, Dec. 30, 1817.

SIR,—Since my arrival here, I have been so much engaged, that I have not had one moment to write to my friends. You no doubt, however, have some idea of my situation, and from my official reports, know that the American flag is now flying on Amelia Island. As there are many novel cases which must present themselves, I should have been better pleased, had my instructions been full, but we are now left to act as circumstances may require, and I am fearful that Aury and his followers will give us much trouble before they quit the island. I am sorry to add, that the Americans appear to be much worse than any others. Should we be

able to get through this business, so as to meet the approbation of the department, I shall feel much gratified; but I trust, that should I err in any steps that I may take, that it will be considered by the President as an error of judgment; for I do assure you, that nothing would be so pleasing to me, as to have my conduct here approved by the Executive. I have endeavoured to keep as close to the letter of my instructions as possible, and have avoided every difficulty that I possibly could. I regret very much the difficulty of communicating with the government. We have only one mail per week, and that does not remain in St. Mary's long enough to enable us to answer letters that we may receive by it.

The situation of my ships you are no doubt acquainted with, as I have written several times to the Secretary on that subject. I, however, do not wish to leave this place until every thing is settled, and the government have established some kind of police for the better government of this place, which I am hopes will take place ere long. I am fearful that Aury expects that the American government will relinquish Amelia, which impression will retard his departure. I have the honour to be, sir, &c.

Hon. B. W. Crowninshield, J. D. HENLEY.
Secretary of the Navy, Washington.

"Extract from the Capitulation of the Island of Amelia," dated at Fernandina, June 29, 1817, and signed by "Francisco Morales and Joseph de Yribarren," attested by "Bernardo Segin" and "approved" by "Gregor M'Gregor."

"BRIGADIER general M'Gregor commander in chief of all the forces, both naval and military, destined to effect the independence of the Floridas, duly authorized by the constituted authorities of the republics of Mexico, Buenos Ayres, New Grenada and Venezuela, offers to Don Francisco Morales, *Capitand el regimiento de Cuba*, and commandant, civil and military, of the island of Amelia, the following terms," &c.

Extract from a Proclamation of Gregor M'Gregor, dated Head Quarters, Amelia Island, June 30, 1817, and signed "Gregor M'Gregor," attested by "Joseph Yribarren, Secretary."

"PROCLAMATION.

"GREGOR M'GREGOR, brigadier general of the armies of

the united provinces of New Grenada and Venezuela, and general and chief of the armies for the two Floridas, commissioned by the supreme directors of Mexico, South America, &c."

Extract from an Address of Gregor M'Gregor, dated at "Head Quarters, San Fernandina, July 1, 1817, 7 & 1," and signed "Gregor M'Gregor," and attested by "Jos. Yribarren."

"GREGOR M'GREGOR, general of brigade to the armies of the United Provinces of New Grenada and Venezuela, and general in chief of that destined to both the Floridas, with commission from the supreme governments of Mexico and South America, &c."

"In the name of the independent governments of South America, which I have the honour to represent, I thank you for this first proof of your ardour and devotion to her cause; and I trust, that impelled by the same noble principles, you will soon be able to free the whole of the Floridas from tyranny and oppression."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TRANSMITTING INFORMATION RELATIVE TO THE DETENTION IN CONFINEMENT OF RICHARD W. MEADE. JAN. 29, 1818.

IN compliance with a resolution of the House of Representatives of the 23d of December last, requesting information relative to the imprisonment and detention in confinement, of Richard W. Meade, a citizen of the United States, I now transmit to the House a report from the Secretary of State, containing the information required.

JAMES MONROE.

Department of State, January 28, 1816.

THE Secretary of State, to whom was referred the resolution of the House of Representatives of the 23d of December last, requesting the President to cause to be laid before the House, any information he may be able to communicate relative to the imprisonment and detention in confinement of Richard W. Meade, a citizen of the United States, has the honour of submitting to the President, the accompanying papers, received at the Department on

that subject; with a letter addressed to the minister of Spain, residing here, since the resolution of the House, and the answer received from him.

JOHN QUINCY ADAMS.

LIST OF PAPERS IN THE CASE OF RICHARD W. MEADE.

Papers received from Mr. Erving.

- No. 1. Mr. Erving to the Secretary
of State, - Sep. 28, 1816.
2. Same to Mr. Cevallos, Aug. 27,
3. Mr. Cevallos to Mr. Erving, Sep. 10, Transl.
4. Mr. Erving to Mr. Cevallos, 16,
5. Mr. Cevallos to Mr. Erving, Oct. 17, Transl.
6. Mr. Erving to Mr. Cevallos, 21,
7. Same to same, - - 25,
8. Mr. Pizarro to Mr. Erving, Nov. 7,
9. Mr. Erving to the Secretary
of State, extract, May 12, 1817.
10. Same to Mr. Pizarro, Dec. 25, 1816.
11. Same to same, - March 14, 1817.
12. Same to same, - 24,
13. Mr. Pizarro to Mr. Erving, April 12, Transl.
14. Mr. Erving to Mr. Pizarro, May 9,

Received from Mrs. Meade.

- A. Petition of Mrs. Meade to the
President, dated Dec. 4, 1817.
- B. Copy of an official letter address-
ed by Don Victor Soret, treasur-
er general of Spain, for the year
1817, to the treasurer of the rents
of Cadiz, dated April 22,
- Answer of treasurer of Cadiz, dated 29,
- C. Copy of an official letter address-
ed by Don Julian Fernandez Na-
vanete, treasurer general of Spain,
for the year 1816, to the prior
and consuls of the royal tribunal
of commerce of Cadiz, Nov. 19, 1816.
- D. Answer, 29,
- E. Mr. Erving to Mr. Pizarro, June 29,
- a. Mr. Adams to Don Louis de Onis, Dec. 26,
- b. Mr. Onis to Mr. Adams, 29, Transl.

CORRESPONDENCE CONCERNING RICHARD W. MEADE, COMMUNICATED TO DEPARTMENT OF STATE, BY MR. ERVING.

No. 1.

Mr. Erving to Mr. Monroe. Madrid, Sept. 28, 1816.

SIR,—Perceiving by the publick papers that the case of R.W. Meade, a citizen of the United States, for many years established at Cadiz in commerce, and now suffering in prison by order of this government, has excited considerable sensation in America, it seems to be proper that I should submit to you my correspondence with Mr. Cevallos, on this subject.

I have herewith the honour to enclose my note to that minister, of August 27th, his reply of September 10th, and my further note of September 16th.

To this last I have not yet received an answer.

I have the honour to be, &c. GEORGE W. ERVING.

No. 2.

Mr. Erving to his Excellency Don Pedro Cevallos, First Minister of State, &c. Madrid, Aug. 27, 1816.

SIR,—It is my duty to recall the attention of his majesty's government to the case of Richard W. Meade, a citizen of the United States, who is imprisoned by the authorities at Cadiz, under semblance of law, and of his majesty's authority, but as must be presumed, against his will, and as can be substantiated against his orders issued on the 10th August, 1815.

A particular statement of circumstances of the case was transmitted to your excellency, by the secretary of this legation, in a note of July 8th last: it is therefore needless that I should now recite them.

I propose to refer to your documents only, each of them of principal importance, and which, taken in their connexion, point out most distinctly and indisputably, the illegality of the proceedings against Mr. Meade, and the course which consistency, as well as justice, requires to be now taken for his relief.

The documents to which I refer, and copies of which are herewith enclosed are, viz:

No. 1. An order of the consulado of Cadiz, dated February 18th, 1814, directing Meade to deposite in the office of the treasury general of the province, a certain sum of money, respecting which, a process was then pending in the said consulado.

No. 2. The receipt of the intendant of the treasury for the deposite made by Meade, pursuant to the order of the consulado.

No. 3. The reply of the intendant of the consulado, when that tribunal inquired, as to the nature of the deposite made.

No. 4. A royal decree of August 10th, 1815, suspending the further proceedings of the consulado, till the treasury should be able to collect funds for the purpose of restoring the sum deposited by Meade.

It is not my intention, for it would be altogether useless, to enter into a history of the original transactions, upon which, finally a suit was brought before the consulado of Cadiz, against Mr. Meade, and is now continued in the name of Mr. John M'Dermot.

Meade always held the moneys in question, to be paid over in legal form, as the competent authorities should direct.

Your excellency will, I am persuaded, now examine the affair with impartiality, and free from the impressions unfavourable to this American, with which it has been attempted to pre-occupy your judgment. If it were my duty, on the other hand, to state what ought to be his personal merits, in the view of this government, I should dwell upon the very extensive and important services, which, as a merchant and a capitalist, he rendered to Spain, in the crisis of her affairs, the most trying and difficult. It ought surely to be known to your excellency, that he contributed, most essentially, to the cause of this country, by giving large credits to its occasional governments, and that for these services he is not yet reimbursed. But I have not to ask any favour for him. I desire but strict and impartial justice, and I found my claim to his immediate release from prison, on the acts of the government in whose name, and of the very tribunal by which he is now imprisoned.

By the two first of the enclosed documents, your excellency will perceive that Mr. Meade, submitting to the orders of the consulado, paid the amount of the moneys in

suit, into the treasury of the province. The payment is said to have been effected in "libramientos," or receipts for libramientos of the treasury general, or intendant; credits of Meade with the treasury, which were payable in specie, and which were to be paid in specie, within a few days. The intendant, therefore, readily gave to Meade the receipt (No. 2) for a deposite in specie, the "libramientos" being cancelled, and passed to the several accounts to which they belonged. Thus, therefore, every legal and formal requisite being complied with, Meade was exonerated from all responsibility; and, to make his irresponsibility still more perfect, if that were possible, the intendant wrote to the consulado, (No. 3,) stating, expressly, that the deposite had been made in specie, and that he would respond to the consulado for specie.

After such conclusive proceedings, it would seem impossible that Mr. Meade could be again questioned by the tribunal, in the same matter.

Was the tribunal wrong in ordering him to make the deposite? *Sibi imputent*, let it answer for its own errors. Was the intendant culpable in receiving the "libramientos" as specie? He is then to be censured: but he has expressly made himself responsible to the consulado for specie. Let him then be held to that responsibility. These may be questions between the government and its officers, but it is certainly highly unjust that an individual should be sacrificed to repair their errors. Will it be said that the "libramientos" delivered to the treasury, and credited to Meade, as cash, and held by the treasury in deposite, and promised by the intendant to be paid over as cash, are not, in fact, equivalent to cash? Certainly not. The government will not pass this condemnation on its own securities. But if the contrary supposition were admissible, even then Mr. Meade remains exempt from all responsibility; for the "libramientos" in question have been already passed into account, as paid in specie, and have been cancelled by the officer, who had the competent authority to do so. Nevertheless, the consulado, which, by its own act, had precluded itself from all further jurisdiction over Mr. Meade, in this matter, still persisted in its process against him, and decreed that he should pay over to that tribunal the sum which he had previously deposited, by its own order, in the treasury. Against this injustice, Mr. Meade appealed to the supe-

rior tribunal of the province, but its interference was overruled by the tribunal of war, at Madrid; and this latter confirmed the sentence of the consulado of Cadiz.

Mr. Meade was then obliged to resort to the sovereign, who issued the decree of August 10, 1815. (No. 4.) This decree is, in all its parts, perfectly just. It suspends the proceedings of the consulado against Meade, and acknowledges the validity of the deposit made, by directing, as it were, funds to be collected, for effecting the return of the money by the intendant, to the end that it might be paid into the consulado; and that in the mean time, till funds be collected for the purpose of effecting the return of this deposit, the tribunal of commerce shall suspend all proceedings against Meade, &c.

Of this decree neither party can complain: how then has it been reversed? If there has been any delay in the payment to be made by the treasury, that is not Meade's fault; the decree is illimited; it orders all proceedings against him to be suspended till that object be effected.

It is not my purpose to call into question, the justice of Mr. M'Dermot's demand, or to blame any of his proceedings; but what I state with confidence, is that his claim is now properly on the treasury or intendant. If the consulado or intendant have, in the course of their proceedings changed the situation of Mr. M'Dermot's case for the worse, they have done him wrong, and it is of them that he should complain; but they have acted in virtue of their regular faculties, and have exonerated Mr. Meade; or had their conduct been even illegal, yet Meade cannot be made responsible for it; he had not any control over them, or any means of resisting them.

It was very natural for him to offer the deposit in "libramientos," but he did not force the intendant to receive them; that was his own act; nor indeed does there appear to have been any thing irregular in that act, since payment was due by the treasury on the "libramientos." The transaction was then the same in effect, as though the intendant had paid to Meade the amount of the "libramientos" in specie, and then received back that specie in deposit, and it was effected in that form also; so that if there was any fault in the intendant, it was that of paying Meade what was due to him; but this I presume cannot be called a fault, or if so, the transaction cannot be vitiated by it. The intendant then, having informed the consu-

lado that the deposit had been made in specie, and that he was responsible to the consulado for specie, Mr. Meade is of course exempt from all further process ; and the royal decree above cited considered him so to be.

But now sir, a second time this consulado, which as I have shown, having ordered Mr. Meade to deposit in the treasury, did thus by its own act absolve him from its jurisdiction, renews its demand on him for another deposit to the same amount, and in defiance of his majesty's decree, on Meade's non-compliance, has thrown him into a dungeon.

Surely there cannot be any law to authorize the imprisonment, as a condemned felon, of a defendant in an action for debt, yet pending, much less can it be permitted that any authority should amend its own faults and errors by sacrificing the liberty, property, and domestick happiness of an individual ; and still less is it possible, that his majesty should allow the continuance of such proceedings in a case where his own treasury is the depository of the funds in question, which by his own decree have been ordered to be paid over in satisfaction of the judgment. It is with entire confidence, therefore, that I request your excellency to lay this representation before the king ; not doubting but that he will order that Mr. Meade be immediately released from confinement, and that the royal decree of August 10th, 1815, be maintained and observed. I have, &c.

GEORGE W. ERVING.

No. 3.

Don Pedro Cevallos, to Mr. Erving, Minister Plenipotentiary of the United States, Madrid. Palace, Sept. 10, 1816.

SIR,—I have given an account to his majesty of your note of the 27th of last month, relative to Mr. Richard Meade, and it is his majesty's pleasure, that I should inform you, that as his case is pending before the supreme council of war, he must have recourse to it.

By his majesty's orders, the council of war presented to his majesty a report, on the affair pending in the tribunals of Spain, between the creditors of a commercial house in London, in a state of failure, and Mr. Richard Meade.

It states the restitution of a deposit of upwards of fifty

thousand dollars in specie, made to Meade by the said house, in failure, at London, and that he attempted to restore the money demanded of him, in credits of the treasury.

The council reports against Meade, and states, that he availed himself of this circumstance with a view to surprise the equity of the sovereign to the very great injury of strict justice, of the interests of the bankrupt house and of its creditors; and afterwards gave it as their opinion (dictamen) that his majesty ought not, in opposition to the laws, to agree to the petition of Meade, who should deliver up the aforesaid deposite, in like manner and in the same specie, as he had received it, or give full, clear, and sufficient security, to the satisfaction of the tribunal of commerce of Cadiz; and in default thereof, to be removed to a publick prison, to prevent all evasion of the sentence against him.

His majesty thereupon assented to the opinion, (dictamen) of the council to which Meade is to conform.

I renew, &c.

PEDRO CEVALLOS.

No. 4.

Mr. Erving to Mr. Cevallos. Madrid, Sept. 16, 1816.

SIR,—On the 13th inst. I received your excellency's note of 10th instant, in reply to mine, 27th August, respecting the case of R. W. Meade, a citizen of the United States, now detained in a felon's prison at Cadiz. I had required that Mr. Meade should be released from his confinement, because, on a review of the proceedings against him, and reference to the documents enclosed in my note of August 27, I found that those proceedings were unjust, since the object of them was to compel him to pay a sum of money, which he had already paid in virtue of a judicial decree; and illegal, as well for that reason, as because they were in violation of his majesty's own decree of August 14, 1815.

Your excellency has not thought proper to revert to these antecedents, but you have been pleased to confine yourself to a simple narrative of what has passed in the council of war, subsequent to the date of his majesty's decree, and upon this ground, to refer the party aggrieved to this same council of war. If I understood your excellency's note aright, it states, that a posterior decision of

the council of war, has declared his majesty's decree of August 14, 1815, to be unjust and illegal, and has advised his majesty to reverse it, and to put Mr. Meade in prison, until he shall have paid the sum demanded of him; and further, that his majesty has complied with this extraordinary dictamen, that thus Meade is actually in prison, with the knowledge and consent of his majesty, who has thought proper to render his own decree a dead letter. These are facts, which I could not suppose to have existed, and to which I should have found it very difficult to have given credit, had I not thus received them from your excellency. In truth, they may be considered as determining the perpetual imprisonment of Mr. Meade; for it cannot be imagined, that even if he be able to pay, that he will ever consent to pay a second time, that sum which he has before deposited in his majesty's treasury, and for which the treasury has formally made itself responsible.

In this last consulta of the council of war, it is stated that Mr. Meade attempted to restore the money demanded of him in credits of the treasury, (*intenta devolver en papeles de credita contra Tesoreria.*) By this phraseology, the fact has been concealed from his majesty, of the payment, which was actually made by Meade, to the treasurer general, for the amount of which, in specie, the said treasurer general formerly made himself responsible to the consulado.

This fact I say was not stated to his majesty, as it should have been, by the council of war. If your excellency will take the trouble of reverting to my note of the 27th ultimo, you will see that it is therein specially set forth, supported by conclusive documentary proof, and that upon it is very principally founded the reclamation which I have made in favour of Mr. Meade.

This remains, then, in all its former force, and altogether unanswered by your excellency's note. But to simplify the case as much as possible, to disembarrass it of all legal questions and discussions, arising out of Mr. M'Dermot's claim, or belonging to the antecedent proceedings; in fine, that both parties may have justice in a mode comporting with the good faith and consistency of the government, I now place my demand in another form, considering that Mr. Meade, in pursuance of a judicial decision of the consulado of Cadiz, did on the 19th of February, 1814, pay into the office of the treasurer general of the province, the sum of 1,050,327 v.

Considering that the said treasurer general did acknowledge the said payment to have been made in specie, and did promise to repay specie whenever called upon.

Finally, considering that the funds in question are actually in the royal treasury.

For these reasons, I require that the treasurer general be ordered immediately to pay over the same funds in specie, to whomsoever the consulado of Cadiz shall appoint to receive them. I renew, &c.

G. W. ERVING.

No. 5.

Don Pedro Cevallos to Mr. Erving. October 17, 1816.

SIR,—Having laid before the king your note of the 16th of September last, relative to Mr. Richard Meade, I have received his majesty's commands to inform you, that the affair of this individual being under the especial cognizance of the supreme council of war, it is to this tribunal that his reclamations must be addressed.

I renew to you, &c.

PEDRO CEVALLOS.

No. 6.

Mr. Erving to Mr. Cevallos. Madrid, Oct. 21, 1816.

SIR,—In a note of September 16th, upon the case of R. W. Meade, an American citizen in prison at Cadiz, I required that the treasurer general of that district should be ordered to pay over to such person as the consulado of Cadiz should appoint to receive the same, the moneys which have been deposited with the said treasurer general by said Meade, in obedience to a judicial order of the said consulado.

In your excellency's reply of the 17th instant, you are pleased to tell me, that the affairs of Mr. Meade being rooted (radicados) in the supreme council of war, to that tribunal he ought to resort.

In this your excellency has reference, I presume, to a certain suit brought against Mr. Meade, by Mr. John M'Dermot, you certainly do not mean to be understood, that all affairs whatever, of Mr. Meade are to be subjected to the decision of the council of war, nor can I conceive that any such connexion between the suit of Mr. M'Dermot and the demands of Mr. Meade on his majesty's

treasury can be established, as can bring these last within the cognizance of that tribunal.

Permit me to ask whether the supreme council of war has the faculty of ordering the treasurer general of Andalusia, to pay over the funds which Mr. Meade deposited with him, to such persons as the consulado of Cadiz may appoint to receive them?

If so, I will request your excellency to lay before that tribunal, the demand made in my last note, according to the practice in similar cases; but if the tribunal of war has no such faculty, then the order which I have requested, can be given, only by the executive government. My application for its interference was perfectly correct, and your excellency's reference to the tribunal, is, as to any useful object perfectly nugatory, for Mr. Meade must necessarily be answered, that the tribunal has not any control over his majesty's treasury. I had flattered myself with a hope, that in our conference on the 5th inst. I had succeeded in convincing your excellency, that the case between Mr. Meade and Mr. M'Dermot, and that between Mr. Meade and his majesty's treasury were altogether distinct. I do not solicit any act of injustice against Mr. M'Dermot, and I ought to presume that it is his majesty's desire to do justice to Mr. Meade. In acceding to my demand in his favour, your excellency will accomplish that desire, and so far from impugning the claims of Mr. M'Dermot, the effect of the measure will be, to satisfy them by payment, and to extinguish all the processes to which they had given rise.

I do trust, then, on reconsidering the case, your excellency will perceive, that only two inquiries are necessary, viz. whether Mr. Meade did, by order of the consulado deposite the funds in question, with the treasurer general, and whether they yet exist in the hands of the treasurer. Of these facts, I have already laid before you indisputable proofs, in the papers marked No. 1, 2, 3, transmitted to you with my note of August 27th, viz.—No. 1. The order of the consulado, directing Meade to deposite. No. 2. The receipt of the treasurer general, for the deposite made. No. 3. The acknowledgment of the treasurer, that he holds said deposite in specie, subject to the orders of the consulado. It is for want of these funds, now, in his majesty's treasury, that Mr. Meade is in prison; the payment of them to the order of the consulado, will quiet all claims

and satisfy all parties, and will not interfere with the jurisdiction, or require the intermediation of any tribunal whatever.

He recurs then to the king whose power to enforce is as indisputable, as his disposition to do right; and I, on his part, require only the plainest act of justice, when I demand that an express royal order be issued for his immediate liberation from prison, and for the payment of the funds deposited by him in the royal treasury of the province, to the consulado of Cadiz, or to such person as it may appoint to receive the same.

I renew, &c.

GEORGE W. ERVING.

No. 7.

Mr. Erving to Mr. Cevallos. Madrid, Oct. 25, 1816.

SIR,—By your excellency's note of the 17th inst. in reply to mine of September 26th, respecting the proclamation blockade of general Morillo, and the ravages on the American commerce which are committing under it, I am told that his majesty has ordered, that *information shall be taken (se pidu informe)* of the tribunal of admiralty.

That general Morillo has issued such a proclamation as I have described in my note of September 26th, is a fact of universal notoriety; your excellency has had before you long since, the correspondence between the American Secretary of State and Mr. Onis, on the subject, and I have transmitted to you a copy of the letter of Don Francisco Montalvo, viceroy of Santa Fe, to the American commissioner, Mr. Hughes, in which the existence of the blockade is admitted, and in which the American government is referred for redress to his catholick majesty. It was therefore that, by the orders of my government, I wrote to you on the subject. With the fact, which I have above stated before you, I am wholly at a loss to imagine what kind of information the tribunal of admiralty can afford, which may regulate the decision of his majesty on the subject.

The tribunal cannot deny the existence of the proclamation; it cannot show that the proclamation is legal; it cannot deny that American vessels have been taken under the proclamation; it cannot contest the right of the American government to demand the restitution of such vessels.

In fine, sir, it is my duty to assure you, that any demur or delay in affording the satisfaction demanded in a case

of this principal importance, cannot but be very sensibly felt by the government of the United States.

I renew, &c.

GEORGE W. ERVING.

No. 8.

Don Jose Pizarro to the Minister of the United States. Palace, Nov. 7, 1816.

SIR,—I have laid before his majesty your note of the 21st of last month, in which you insist that the sums deposited by Mr. R. Meade in the royal treasury, should be paid over to the tribunal of commerce of Cadiz, or to whomsoever it may authorize to receive them. This affair appertaining to the ministry of the treasury, his majesty has been pleased to determine that your said note be transmitted to the secretary of that department, that through his channel it may again be submitted to his majesty's decision.

I renew, &c.

JOSE PIZARRO.

No. 9.

Extract of a Letter from Mr. Erving to the Secretary of State, dated Madrid, May 12, 1817.

“By my despatches, Nos. 20, 23, 26, I had the honour to submit to you copies of the first part of my correspondence with the Spanish secretary of state, on the case of Richard W. Meade. As that gentleman despairing of the success of my efforts in his favour desires that the whole of his case may be laid before you, I now transmit copies of all the notes, which have passed on it since the month of November.”

No. 10.

Mr. Erving to Mr. Pizarro. Madrid, Dec. 25, 1816.

SIR,—On the 7th November, your excellency replied to my note of 21st October, on the case of R. W. Meade, an American citizen, in prison at Cadiz, that you had transmitted the same to the minister of Hacienda, that the royal resolution might be given through that ministry. In consequence, as I presume, of your excellency's communication to the minister of Hacienda, Mr. Navaretti, the treasurer general, wrote to the consulado of Cadiz, on the 19th November; the answer of that tribunal is dated on the 29th November. It is completely satisfactory and in

perfect accord with what I have stated to you on the case. Why a copy of it has not been already transmitted to you, I will not undertake to conjecture; but seeing that this document, as well as others in the cause, do virtually confess, that the proceedings against Mr. Meade are of the unjust and violent character, which I have attributed to them, and that every unnecessary delay is an augmentation of the injustice, as I ought to believe, and am persuaded, entirely contrary to the disposition of his majesty. For these reasons, I pray your excellency to demand from the minister of Hacienda a copy of Mr. Navaretti's aforesaid correspondence with the consulado, and to lay it, in conjunction with my representations, before his majesty.

GEORGE W. ERVING.

No. 11.

Mr. Erving to Mr. Pizarro. Madrid, March 14, 1817.

SIR,—In a note of September 16, 1816, to your excellency's predecessor I required that the treasurer general of the district of Cadiz, should be ordered to pay, to such person as the consulado of Cadiz should appoint to receive the same, a certain sum of money, which had been deposited with said treasurer, by R.W. Meade, an American citizen, in obedience to an order of said consulado, and for which sum said Meade then was, as he still is held, in prison.

Having been answered by Mr. Cevallos generally, that the affair of Mr. Meade was before the council of war, I insisted on my former demand, (in a further note of October 21,) showing to the minister, that it had no necessary connexion with any process depending before the council of war; and further, that it was not possible for the council to satisfy my reclamation, even if it should be disposed to do so, because it had no faculty to give such orders to his majesty's treasurer, as I had desired.

In answer to that note, your excellency was pleased to inform me on the 7th November, that as my demand related to the duties of the minister of Hacienda, his majesty had resolved, that my note of 21st October, should be passed to that minister, *to the end that through that department, the royal resolution should be given.* “Se pasa la citada nota al senor secretario de dicho departamieto para que por su conducto recayga la real resolucion.”

In consequence (I presume) of this measure, the treasurer general, Senor Navaretti, wrote to the consulado of Cadiz, on the 19th November, requiring that tribunal to inform him particularly as to the aforesaid deposite. The consulado replied to the treasurer on the 29th November, that the deposite had been made by its order, that it had been made "ineffective," ("*en libramientos de plata efectiva*,"") that it existed at the treasury, and that the treasurer had made himself responsible to the said consulado, for the amount.

I annex to this note, a copy of that most important correspondence between the treasurer and the consulado, (marked A,) and which your excellency was pleased also to procure a copy of, from the minister of Hacienda, pursuant to the request contained in my note of December 25.

This correspondence leaves not the least doubt as to the nature of the deposite, or its actual existence; and I assured myself, that it was all that could be desired, and that it must necessarily produce an immediate order for the release of Mr. Meade from prison. I am therefore much surprised to find, that the affair, instead of having been despatched, as I understood by your excellency's note of November 7, that it would be, has again fallen back into the hands of the council of war, which tribunal, as before observed, cannot have any control over the operations of his majesty's treasury.

If the council of war should enter into any inquiry as to the nature of the deposite, can the result, whatever it may be, of that inquiry, be opposed to the complete, plain, unequivocal declaration of the consulado of Cadiz, the very tribunal, by order of which the deposite was made, which is most interested to ascertain its nature, and its actual existence? But in no view can it be of the least importance in considering, or should it have the least influence in deciding upon my reclamation, whether the deposite is, or is not satisfactory to the council of war; and therefore, I will not here enter into its past and present proceedings, or will I advise Mr. Meade to appear before that tribunal, to prove any thing, which may relate to the nature of that deposite. It is sufficient that the deposite was made by the order of the consulado; that it was paid into his majesty's treasury, and is now there. All this is proved by the confession of the consulado, itself; and I cannot acknowledge the justice of any plea for holding Mr. Meade

in prison, by a decision of another of his majesty's tribunals, for the very sum thus deposited.

His majesty's treasury has the money in question ; Mr. Meade is suffering in prison under his majesty's authority ! What can be more simple, than the course pointed out by justice in this case ?

As the representative of the American government, the natural protector of its citizens against all injustice, I appeal directly to his catholick majesty against the injustice of those acting in his name, and under his authority ; and I request your excellency, as the proper channel of communication, to lay my reclamation before him. And if his majesty should desire to be more particularly informed of the proceedings of the council of war, and of all the persecutions which this American citizen (who, I cannot but remind your excellency, so much contributed to support the cause of Spain in the most critical epoch of her affairs) has suffered ; then if his majesty will condescend to peruse the last memorial, which Mr. Meade addressed to him, he will, I doubt not, see enough to reprehend.

GEORGE W. ERVING.

No. 12.

Mr. Erving to Mr. Pizarro. Madrid, March 24, 1817.

SIR,—With my note of the 14th inst. upon the case of R. W. Meade, an American citizen confined in the castle at Cadiz, I transmitted to your excellency what ought to be considered as the most satisfactory and conclusive evidence, relative to the nature and the actual existence of the deposit made by him in the royal treasury of that district, by order of the consulado of Cadiz ; it appeared to me that nothing further could be required, and that if your excellency would lay it before his majesty pursuant to my request, that it must produce an instant order for the release of Mr. Meade : but seeing that the sufferings of this individual still continue, I cannot omit any measure, however superfluous it may appear, which may possibly contribute to his release, heaping proof upon proof of the injustice done to him. It is therefore that I now send to you (herewith inclosed) a certificate dated 15th March (regularly authenticated) of Don Antonio Y. Zarbee, "Contador principal de ventas provinciales" of Cadiz, who is the only person authorized to grant certificates rela-

tive to the operations of the treasury in that district, and through whose hands all such matters must necessarily pass. This certificate has been granted on the petition of Mr. Meade, which I also take the liberty of inclosing.

I beg your excellency's particular attention to this certificate: it is ample and explicit in every respect, and I am persuaded must convince you that no further research on the points in question can be necessary. I therefore confidently re-urge my request, that your excellency would be pleased to lay my reclamation before the king, and I rely on his majesty's just dispositions for the immediate release of Mr. Meade.

GEORGE W. ERVING.

No. 13.

Mr. Pizarro to Mr. Erving. Madrid, April 12, 1817.

SIR,—Immediately that I received your note of the 24th of last March, I directed, by order of the king my master, the supreme council of war, to despatch with all urgency, the "consulta" which had been required of it, relative to the affairs of Mr. Richard Meade, with the house of Hunter, Raynes & Co. of London, and I wait for the said consulta, to lay the matter before his majesty, and to obtain his sovereign resolution. I renew, &c.

JOSE PIZARRO.

No. 14.

Mr. Erving to Mr. Pizarro. Madrid, May 9, 1817.

SIR,—I have the honour to acknowledge the receipt of your excellency's note, of the 12th April, in reply to mine of the 24th March, relative to the case of Mr. Meade. You are pleased to inform me that on sight of my said note you ordered the council of war to despatch, in all haste, the "consulta," which you had previously asked of it, relative to the affairs "between Don Ricardo Meade, and the house of Raynes, Hunter, and Co. of London." I ought to presume that by this order your excellency meant to promote the object of my former representations; but permit me to observe, referring to those representations, that in no part of them have I considered the termination of any process which may be pending before the council of war, between Mr. Meade and the English merchants,

as at all essential to my purpose, which has been simply to obtain the release of an American citizen, from an unjust imprisonment. An imprisonment which you yourself, in a letter of December 8th, to the council of war, have declared to be illegal. In that letter, your excellency has said that Mr. Meade's case is not sufficiently comprehended within the law, under the pretence of which he has been imprisoned: "quun, (Meade,) no esta bas tante determinada eate comprendido en el caso de la ley que se cita para sa aresto." Independent of this legal point, I have shown to your excellency, in my former notes, that the imprisonment is unjust, because his majesty's treasury has the very funds which should be paid to satisfy the judgment of the tribunals. It was long since decided that Mr. Meade was a debtor to the English merchants; the funds in question had been deposited in the royal treasury, by order of the competent tribunals; and, it has been proved, by authentick and complete documents, that the deposit exists in the treasury as effective cash. What I have required, then, as a measure of the plainest justice, is, that these funds should be paid by the treasury to satisfy the judgment. Thus, Mr. Meade would be released from prison, of course, and all necessity of legal decision, as to the nature of his imprisonment, would be superseded, and all litigious questions between him and the English creditors would cease. I had certainly succeeded in impressing your excellency with this view of the subject, for, as far back as the 7th November, you informed me that the affair was properly within the department of Hacienda, and that his majesty would give his decision through that department. Under the same impression, doubtless, you wrote to the minister of Hacienda, on the 4th December, desiring that a statement of the facts within the cognizance of his department might be sent to you, to the end that you might submit them to his majesty, to enable him to decide on the consulta of the council of war, (of November 28,) at that time before him. In the same way your excellency wrote to the council of war, on the 8th of December, requiring that all the original documents which relate to the nature of the deposit, made by Mr. Meade, should be sent to you. Even in your letter of February the 7th, to the same council of war, by which you return to it the "antecedents," you confine your view principally to the existence and nature of the deposit.

Convinced, then, as your excellency was, that the imprisonment of Meade was illegal, and, as to the nature of the deposite, a point which you considered all important in the case, having before you the certificates of the officers of Hacienda, as well as of the consulado of Cadiz, proving that it existed in effective specie, I could not doubt but that you intended to submit the case to his majesty's decision, as announced in your letter of December 4th, to the minister of Hacienda, and conformably to what I had repeatedly proposed. You have not been pleased to acquaint me with whatever motives you may have had for deviating from this intention; but it does appear that you have required of the council to determine on the legality of the imprisonment which was its own act—an act of which, in your letter of December 8th, you expressed his majesty's disapprobation, and the injustice of which has been made still more apparent, by the abovementioned proofs, as to the nature of the deposite. It appears, also, that you transmitted to the same council, in the month of February, documents which you demanded from it in the month of December, for the purpose of being laid before the king, but which are now to be enveloped in questions from which they had been, and stood, entirely separated.

In thus sending the affair back to the council, the parties, Meade and M'Dermot, are made uselessly to litigate about the nature of a deposite which the government knows to exist in specie, in its own treasury. Thus, the simple act of justice, which I have demanded, is procrastinated to an indefinite time, being made dependent upon contentious questions, with which it has no necessary connexion. Your excellency is perfectly convinced, by documentary evidence of indisputable authority, from every department of the Hacienda, that the royal treasury is debtor to Meade for the amount in specie of the deposite made by him; that with, or without law, Meade has been twelve months, and still is in prison, for the same amount due to the English claimants, for whose benefit the said deposite was made, by order of the tribunal, which, at that time, had cognizance of the then pending suit; and it is evident that the repayment of this money would release Meade from prison, at the same time that it would satisfy the English creditors. Allow me, then, to ask, to what useful end is the council of war now employed? To declare the illegality of its own acts? But all investigations of that nature

will be rendered unnecessary, by the repayment of the money now in the hands of government. The council can decide to whom of right the money deposited belongs: but on this point there is no dispute. The deposit belongs, of right, to the English creditors, represented by M'Dermot. The council has no control over the treasury. In examining therefore, into the nature of the deposit, it can have no other guide than the very official documents which have been before your excellency. These are unequivocal and conclusive. It matters not, now, whether the deposit, in its original form, was, or was not, of a nature to satisfy the demands of the English creditor. We can dispense with an examination of that question, also; because, in whatever form the deposit was originally made, it has been now converted, by regular fiscal operations, into effective cash, and in that form exists, and in that form will be readily received by Mr. M'Dermot. The documents which certify the real nature of the deposit, can neither be called in question or set aside by the council; nor is there any necessity of a judicial investigation, to establish the authenticity or validity of them. Upon those grounds, therefore, I renew my demand, in every aspect of it so just, that your excellency would lay this case ministerially before the king, and procure his order for the immediate repayment of the deposit existing in his treasury. GEO. W. ERVING.

(A.)

Petition of Mrs. Meade, and Papers communicated by her in relation to Richard W. Meade. Philadelphia, Dec. 4, 1817.

To his Excellency, the President of the United States—the following case is respectfully submitted:

Richard W. Meade was born in Chester county in Pennsylvania, in June, 1778. He went to Spain in 1803, to claim restitution of property detained at Buenos Ayres, in which claim he was unsuccessful. He then established a commercial house at Cadiz, where he has ever since resided, in the character of an American citizen; and having held, from 1806 till the present year, the station of navy agent of the United States for the port of Cadiz. Mr. Meade has a wife (the undersigned) and nine children, now residing in Philadelphia.

In their late struggles, he rendered essential services to the people of Spain, as repeatedly and publicly acknowledged. In 1812, being in actual advance to the government of Spain, to the amount of near eight hundred thousand dollars, and being satisfied that the treasurer general, Don Victor Soret, was using the funds, which by contract had been appropriated to repay that advance, he appealed to the regency against the conduct of the treasurer; and, receiving no satisfaction, published a pamphlet, containing a statement of his contracts with the government, and its injustice towards him; in consequence of which publication, he was imprisoned for three months, and then released on bail. On an appeal to the cortes, Mr. Meade obtained an order for the payment of his advances, which order has been but partially complied with, and that under enormous sacrifices, amounting, in many instances, to one third of the capital, besides several years' interest, for which no allowance has ever been made. Mr. Meade also appealed to the cortes against the unjust proceedings of the regency in imprisoning him: the cortes reported the proceedings as illegal and unjust, and decreed the constitutional penalties against the minister who gave, and the judge who executed, the order. The dismissal of the regency by the cortes, and the subsequent dissolution of the cortes itself, on the arrival of king Ferdinand, prevented the report of the cortes against the regency being acted on, and the affair being revived by the supreme council of war, composed of men subservient to the old regency, (who are now all in high offices round the court) it was lately decreed that Mr. Meade should pay a fine of two thousand ducats for the publication; which they termed a libel on the late regents.

It is to be understood that the affair above related, of the imprisonment in 1812, is altogether distinct from the present confinement of Mr. Meade and its causes, though often erroneously blended with it: it will clearly appear, however, that the rancour produced by the events related, has operated with many now in power in stimulating the present persecution, the circumstances leading to which are as follow:

In 1811, Mr. Meade was appointed assignee to the estate of James W. Glass, of Cadiz, declared bankrupt in England, in consequence of his connexion with the house of Hunter, Rainey & Co. of London, against whom a commission of bankruptcy had issued: the appointment of Mr.

Meade was made by the tribunal of commerce of Cadiz, with the approbation of all the creditors in Cadiz, and was confirmed by the assignees in London—the tribunal of commerce having cognizance of all commercial affairs in Spain, and all persons carrying on trade there (even foreigners) being amenable thereto. Mr. Meade gave bonds accordingly, to take charge of the effects of the estate, and to be *responsible solely to the tribunal for the proceeds*, being prohibited, under the penalty of the bonds, from disposing of the funds without the sanction of the tribunal.

Having settled the affairs of the estate, and paid all demands thereon, there remained in his hands about fifty-two thousand dollars, which he several times petitioned the tribunal to be permitted to remit to the assignees in London. The delays attending all Spanish proceedings prevented the petitions being acted upon, until Mr. Duncan Hunter, one of the principals of the bankrupt house, was sent to Cadiz, and when on the eve of getting the business settled, Mr. Glass (escaping from his bail in England) appeared also in Cadiz, and laid an *embargo* on the funds, under the pretence of having been illegally included in the bankruptcy. John M'Dermot was appointed as the agent of Hunter, and Mr. Meade offered to pay to Hunter or M'Dermot the amount in his hands, on their giving bonds satisfactory to the tribunal of commerce, in lieu of his own: those persons not being able to procure such sureties as the tribunal would accept, that body, suddenly, and of its own accord, decreed that Mr. Meade should, on the following morning, place the money in the king's treasury, until M'Dermot or Hunter should give the security required; it being declared that all Mr. Meade's property should be *embargoed* in case of nonpayment at the time limited. In pursuance of the said order, Mr. Meade made the deposit on the following morning, and presented to the tribunal the receipt in which the treasurer acknowledged to have received the sum in question by order of the tribunal, to be held subject to the future disposition of that body. A question having been made, at the instigation of M'Dermot, whether the sum had been paid into the treasury *in specie*, or in treasury notes, the intendant answered, to an official inquiry of the tribunal, that "the deposit had been made in due form under his inspection, *in effective specie*, and that whenever the tribunal should order its payment, his majesty would pay it in the same coin."

Notwithstanding this, a suit was brought against Mr.

Meade by M'Dermot, and the tribunal, aware that it had done wrong in ordering the deposit, decided, that Mr. Meade should *pay the money a second time!* An appeal was entered from this decree to the superior tribunal, called *abradas* (Mr. Meade having a right to that appeal by the 7th and 20th articles of the treaty between the United States and Spain.) While the cause was there pending, the plaintiff (through the English minister) procured an order for the removal of the case to the council of war, at Madrid, where the sentence was confirmed. Mr. Meade had a right of appeal, but was refused. He petitioned the king, who commanded that he should be heard by the same court; but as Mr. Meade conceived the judges to have evinced a partiality in the case, at Mr. Meade's request five new judges were added to the five, of which the court was before composed. In this state of the case, M'Dermot presented a petition, stating that Mr. Meade was about to leave Spain, and praying that he should be compelled to pay the money or be put into confinement, and the order was accordingly granted (through the influence of the British minister) by the five primitive judges, though the king had expressly decreed that no measure should be taken in the case of Mr. Meade, but with the presence of the new judges. On the 2d of May, 1816, Mr. Meade was seized and imprisoned in the castle of Sta. Catalina, at Cadiz, confined in a dungeon, with a sentinel at his door, and for several months locked up at night.

The minister of the United States, Mr. Erving, has made strong remonstrances to the Spanish government against these unjust and cruel persecutions of an American citizen; those remonstrances have drawn from the king an order to the council, to *despatch* Mr. Meade's case; but there is at the same time strong reason to believe, that while such an order is given, to amuse the American minister, a secret order is given to delay the decision, as *the present state of the treasury would render the payment of the money inconvenient*, it being apparent that the money must be paid on the liberation of Mr. Meade.

For corroboration of the principal facts of the foregoing statement, and particularly those respecting the *deposit*, and the circumstances under which it was made, the President is referred to the documents herewith sent (No. 1 to No. 3.) Copies of those relating to Mr. Erving's correspondence with the Spanish government, have also

been transmitted to the department of State at Washington.

The undersigned, in making this appeal to the President, will not presume to add a single comment, but must await the result in trembling anxiety ; she cannot however avoid respectfully intimating a hope, that if kindly disposed to act efficiently in a case so interesting to Mr. Meade and his family, the President will adopt some other means of attaining his purpose, than through the agency of Mr. Erving, it being now perfectly ascertained, that the representations of that gentleman to the Spanish government on Mr. Meade's case, are not received with that respect, or attended to with that promptness and desire of accommodation, due to their justice, to his station and conduct, or to the character of the country he represents. On the contrary, his communications have been treated with marked disregard, or answered by trifling equivocations, insomuch as to render his exertions, however well intended and spirited, utterly useless.

MARGARET MEADE,

Wife of Richard W. Meade.

(B.)

Copy of an official Letter addressed by Don Victor Soret, Treasurer General of Spain, for the year 1817, to the Treasurer of the Revenue or Provincial Rents of Cadiz. Madrid, April 22, 1817.

By return of post without fail, you will please state, if the deposite exists as yet, which R. Meade made on the 19th February, 1814, of reals 1,050,327 and 20 maravedis, in virtue of a sentence of the royal tribunal of the consulado of the day prior thereto. God preserve you many years.

VICTOR SORET.

[Answer.]

Cadiz, April 29, 1817.

IN the moment that I received your official letter of the 22d of the present month, relative to the deposite of R. Meade, I sent a copy of said letter to the administrator general of the revenue of the province, on the 28th of the same month, in consequence of all the archives corresponding to the year in which the said deposite was made, existing in his department and under his control, and under this date he answered me as follows :

General Administration of the Rents of the Province.

By the archives of judicial deposits and corresponding

to the year 1814, which exist in this administration, it appears unquestionably that R. Meade deposited on the 19th February of said year, in virtue of a sentence of the royal tribunal of the consulado of the day before, the sum of reals of vellon 1,050,327 and 20 maravedis, and that no sum has ever been returned to the present day on account of said deposit, which I beg leave to state in answer to your official letter of yesterday, in which you transmit me a copy of the letter received by you from the treasurer general of the 22d of this month. God preserve you many years.

ANTONIO Y SARBE.

And which I therefore beg leave to transcribe to you as an answer to your official letter.

God preserve you many years.

BÉNITO ELERS, Treasurer of Cadiz.

Cadiz, 29th April, 1817.

An exact copy. R. W. MEADE.

(C.)

Correspondence referred to by Mr. Erving, in his Letter 14th March.

Copy of an official Letter addressed by Don Julian Fernander Navanete, Treasurer General of Spain, for the year 1816, to the Prior and Consuls of the Royal Tribunal of Commerce of Cadiz, and their Answer. Madrid, November 19, 1816.

IN order to answer with due or correct knowledge, a certain information or request, which has been demanded of me, by my superiours, with the least possible delay, you will be pleased to inform me, as early as possible, whether, by order of your tribunal, R. Meade made a deposit in the treasury of royal finances, or in that of the revenue? Of what amount said deposit was? If it exists at present, and whether there is any impediment to returning the same to him?

God preserve you many years.

JULIAN FERNANDER NAVANETE.

An exact copy. R. W. MEADE.

(D.)

[Reply.]

Cadiz, November 29, 1816.

UNDER date of the 19th instant, you were pleased to say to this royal tribunal, that, in order to answer certain

information which had been demanded by your superiors, that this tribunal should state whether it was true, that by its order R. Meade had made any deposite in the royal treasury of finance or that of the revenue? Of what amount it consisted? If it existed at present? And if there was any impediment to its being returned to him?

In reply to these questions, the consulado begs leave to state, that, at the suit of John M'Dermot, who claimed from R. Meade, for balance of accounts, the sum of reals of v. 1,050,327 16 maravedis. In the course of the proceedings, this tribnnal gave its sentence, commanding R. Meade to deposite the aforesaid sum in the royal treasury of the revenue, and this was done in treasury notes of effective cash, which said Meade had to receive from said department, and the deposite was thus made, the treasurer obliging himself to hold the amount at the disposition of this tribunal. The sum deposited subsists, and though M'Dermot afterwards pretended that R. Meade should deliver him said sum, without any regard to the deposite, it did not take place, on account of R. Meade having appealed. The said Meade applied to his majesty, and, through the minister of finance, there was issued a royal order, dated 10th August, 1815, in which it was commanded that in the mean time, that funds could be collected, wherewith to return the aforesaid deposite, this tribunal should suspend its proceedings. This tribunal consulted the supreme council of war on this point, and in virtue of a despatch, of which the adjoined is a literal copy, they submitted the *auto*, or proceedings, to the supreme council, as commanded by said royal order. The supreme council makes merit of the same in the aforesaid document; and it is the strongest proof that the deposite exists at the disposition of this tribunal, from the circumstance of the *auto*, or suit, being still pending in the appeal before the supreme council. This tribunal cannot resolve to whom the sum so deposited is to be returned, and whilst the suit is dependent on the appeal, this tribunal cannot regulate its sentence or proceedings.

MIGUEL DE MARRON,
NICHOLAS BLANCO.

An exact copy.

R. W. MEADE.

(E.)

Mr. Erving to his Excellency Don Jose Pizarro, First Secretary of State. Madrid, June 29, 1817.

SIR,—My last note to you on the case of R. W. Meade, was on the 9th May; that representation induced your excellency to repeat his majesty's orders to the council of war, to the end that it might forthwith evacuate the consulta, which has been so long since demanded from it. It was to be expected, that in a case of this urgency, where the liberty, fortune, health, and domestick happiness of an innocent man, had been wantonly sacrificed, that the tribunal would have hastened to repair the errors which it had fallen into, more particularly as in the name of my government, I had demanded the liberty of this individual. It was not, however, till the 26th May, that the fiscal's dictamen was given; that document after a vain attempt to justify the anterior proceeding complained of, concluded in these words,* “*Pero en el dice quando existe el deposito como si fuese dinero efectivo segun expone el tesorero general i quando el consulado asegura que preceptuó à Meade verificase el deposito en tesoreria de rentas parece que habiendo cumplido con ambos extremos no debecontinuar por mas tiempo su arresto.*”

The conclusion which the fiscal has thus arrived at, and the facts on which he has founded it, were as true twelve months ago as they are now. In fine, here is a formal confession of the fiscal himself, according to which, there is no ground for continuing the imprisonment of Mr. Meade a single moment; but though the dictamen was given on the 26th May, Mr. Meade has not been released. I therefore pray that your excellency would be pleased to order, that the council act in conformity to it without the least delay.

I renew to your excellency assurances of my most distinguished consideration, &c.

GEORGE W. ERVING.

* “But at present while the deposit exists as if in effective money, as set forth by the treasurer general, and while the consulado declares that they ordered Meade to make that deposit in the provincial treasury, it appears that having complied with both orders, *his arrest and imprisonment should not be continued any longer.*”

(a.)

The Secretary of State to Don Luis de Onis, Envoy Extraordinary, and Minister Plenipotentiary from Spain. Washington, December 26, 1817.

SIR,—I am directed by the President of the United States to invite your immediate attention, and to urge that of your government, to the case of Richard W. Meade, a citizen of the United States, who has been confined since the 2d of May, 1816, in the prison of Santa Catalina, at Cadiz.

It has been repeatedly represented to your government, by the minister of the United States at Madrid, that the imprisonment of this person was under a sentence of a tribunal at Cadiz, condemning him to pay a second time a sum of money which, by virtue of a prior decree of the same tribunal, he had already paid into the royal treasury. This fact has never been denied or contested by your government. It has been proved to them by the attestations and certificates of their own officers.

It was to have been presumed that, upon the first moment that such a fact was authentically presented to your government, an order would instantly have issued from it for the discharge of Mr. Meade from his imprisonment. The President regrets, that after so many and such urgent representations in his behalf by the minister of the United States at Madrid, it should yet be necessary to address this call upon the most common principle of justice to you. I am instructed by him to say, that in renewing this demand for Mr. Meade's immediate liberation, he confidently expects it will not be in vain.

I pray you, sir, to accept, &c. J. Q. ADAMS:

(b.)

The Chevalier Don Luis de Onis to the Secretary of State. Washington, December 29, 1817.

SIR,—I have received your note dated the 26th of this month, in which, by order of the President, you communicate to me what appears to have taken place in Spain, in the case of a lawsuit against Richard W. Meade, a citizen of these states, in order that I should make the necessary representations on this subject to the king my master, and solicit his release from confinement.

In compliance with the wishes of the President, and yours, sir, I shall, with great pleasure, make this request in favour of Mr. Meade, although I am not informed of the details of the suit instituted against him, nor of those which have produced his confinement.

Confiding in the just intentions of the king, and his high consideration for the United States, I must hope that his majesty will attend efficaciously to this request, and so use his authority in having justice promptly done to Meade, that the laws may be observed with the strictest impartiality, and no motive or pretext whatever left to doubt of the immaculate (acendrada) purity which has ever been acknowledged as the particular attribute of the Spanish magistracy.

I renew my respects to you, sir, and pray God to preserve you many years.

LUIS DE ONIS.

REPORT

OF THE COMMITTEE ON FOREIGN RELATIONS RELATIVE TO THE COMMERCIAL INTERCOURSE OF THE UNITED STATES WITH THE BRITISH WEST INDIA ISLANDS AND NORTH AMERICAN COLONIES, &c. FEB. 9, 1818.

The committee to whom was referred that part of the President's message, which relates to the commercial intercourse of the United States with the British West India Islands, and North American colonies; and also the petition of the inhabitants of different parts of the District of Maine, on the same subject, report:

THAT, by the statement marked A, annexed to this report, it appears that the average amount of duties upon merchandise, annually imported into the United States from the British West India islands, and North American colonial possessions, from 1802 to 1816, excluding the period from the commencement of the restrictive system to the termination of the late war, exceeds two millions of dollars. The value of the merchandise upon which these duties accrued, is supposed to be equal to seven millions of dollars per annum. The statement B, shows that the average annual amount of exports to the same places, principally of domestick production, up to 1817, exclud-

ing the time of the operation of the restrictive system, and the continuance of the war, have exceeded six millions, five hundred thousand dollars. The statement C, shows that in the year 1815, the amount of duties on merchandise imported in American vessels from the British West India islands and North American colonial possessions, was, to the amount of duties imported in British vessels, as one to four; in 1816, as one to five and a half, or two to eleven. Taking the ratio of 1816, as the basis of calculation, and it is believed to afford the safest and most solid, as past experience shows, a constant diminution of the amount of duties on goods imported in vessels of the United States, it is estimated, supposing the same proportion exists in the exports, that American vessels are used in the transportation annually of 2,177,924 dollars worth of merchandise, and British vessels 11,322,076 dollars worth of the most bulky articles of commerce, one half of which are of the growth, production or manufacture of the United States. This inequality in the advantages of this commerce, to the injury of the navigating interest of this country, arises from the rigorous enforcement of the colonial system of Great Britain, as to the United States, while it is relaxed to all other nations who are friendly to the British empire, and have colonial possessions. The portion of the commerce which is carried on in American vessels, arises from accidental and temporary suspensions of the system which the governours of the islands, &c. are permitted, under the pressure of dire necessity, to direct—an employment for our seamen and vessels, precarious and momentary, rather irritating and tantalizing than profitable. This intercourse appears to the committee in the worst possible state, as it regards the navigation of the United States, while it is in the best for that of Great Britain. Justice and policy require on the part of every wise government, its best exertions to secure to its own citizens a perfect equality in the transportation of merchandise, with the people of every nation respectively, with whom it has commercial intercourse. Some governments are governed by a policy more contracted, desiring to give to their navigation the exclusive transportation of their native products, while they desire their participation in carrying the productions of other countries. The committee are satisfied that the United States will never be governed by the selfish views of the

latter class, but trust that it has not been, nor will it ever be, regardless of the just motives of the former: so far as it is a duty to protect the navigating interest. This duty can be performed in relation to the subject of this report, by conventional stipulation with Great Britain, formed upon the basis of reciprocity, or by legislative acts, operating exclusively against the British navigator engaged in this trade. With the first mode this House has no further concern than to know that the other branch of the government has performed its duty. Repeated and hitherto unavailing applications have been made to the British government. It is not, however, surprising, that they have been unsuccessful, since no adequate motive at present exists, to induce Great Britain to arrange this intercourse by convention. The offer contained in the articles annexed to this report, the most rational and reciprocally advantageous of any ever made, may be considered as dictated by a spirit of accommodation, which, under the pressure of adequate motives might be fostered into a determination to grant all that we could reasonably ask or they be expected to yield. The three first articles, with some practicable modifications, would, by the adaptation of our commercial laws to the stipulation contained in them, confining the commerce strictly to those articles which Americans were permitted to carry, would place the trade upon as favourable grounds as could be expected. It would, no doubt, in a short time be followed by a complete abandonment of the residue of the present jealous system of exclusion. The committee cannot, however, but approve the prompt rejection of this proposition, since these articles are connected with another altogether inadmissible, without a departure from what they deem the settled policy of this country, in relation to the trade with the Indians within its jurisdiction. The British ministry, having assured this government that these articles were all that could be granted, consistent with their opinions of the best interest of the British empire, there is no longer any hope of effecting this desirable object by negotiation. It remains for Congress to determine what course is to be pursued. If it were possible to separate the interest of one class of the community from that of another, it must be obvious that, however fatal to the navigator, the present state of things is not injurious to the cultivator of the soil. The produc-

tions of his labour are carried with facility to a ready market, and he receives in return all those articles which taste and habit have rendered necessary to his comfort. But this separation is impossible, and the necessary connexion between the two interests is apparent, when it is remembered, that the competition of American with foreign navigation is essential to keep down the expense of transportation always paid by the cultivator and consumer. If this injury is not now apparent, it will ultimately be felt when the total ruin of the navigation interest will deprive us of the power to remedy the evil. The committee forbear to press those important considerations of preparation for national defence so inseparably connected with the inquiry. They feel that there is on this point but one sentiment among the representatives of the people and in the nation. Experience, prudence, gratitude for the glory shed upon our country, and the confident and delightful anticipation of future renown, all conspire to insure the necessary sacrifices for the preservation and interest of the seamen of the United States. This object, so far as it may be promoted by a participation in the commercial intercourse with the British American colonies, may be effected by a trifling and temporary sacrifice of the interests of agriculture. A slight knowledge of the situation of the British West India colonies, authorizes the position, that a commerce with the United States is essential to their prosperity, if not to their existence. The best market for the sale of their surplus products is found here, while the grain, provisions, and lumber articles of the first necessity, received in return, are procured on terms infinitely more advantageous than they are to be had for their use in any other part of the world. But for occasional supplies of those articles from the United States, some of the islands would be deserted by their inhabitants, or a change produced in their agriculture, ruinous to their commercial interest. The people of the United States are in a very different situation. The British West India market is convenient, but not necessary to their accommodation. All the articles imported from them can be procured abundantly, upon terms equally advantageous, from other quarters. The annexed tables, marked D and E, show the amount of imports of the chief articles of their product from the British West Indies, &c. and the proportion it bears to

the whole amount of imports of similar articles from other West India islands, &c. Many of these can be and are procured from other quarters of the world, with which commerce in American vessels is not-restrained. The demand for all can be supplied without a recourse to the British West India islands, and a supply from other quarters will be obtained by the employment of American vessels and American seamen, in common with the vessels and seamen of the country from which it may be brought. The only danger to be apprehended is, that the cultivator losing the British West India market for the use of his exports, would lose with it the ability to procure the commodities he formerly received in return. The extent of this danger depends upon the correctness of the position laid down—that this commerce is *essential* to the British West India islands, and *only convenient* to the United States. If the necessaries of life can only be or are procured on terms infinitely more advantageous here than any where else, it follows they will still be carried to the British West Indies, if not directly under a convention between two governments, circuitously through some mutually friendly port. It is perfectly true that the West India islands are capable of producing all that is necessary for their own subsistence, but this must be at the expense of their commercial importance; the abandonment of the most profitable, for, to them, an unprofitable, cultivation. The general use and consequent high price of West India produce, will insure a continuance of the usual course of agriculture, and will, as heretofore, operate as a bounty upon the growth of bread stuffs in the United States. In favourable seasons and in peaceful times, Europe affords a surplus of human aliment, and supplies are to be found on the African coast of the Mediterranean; but these come loaded with the increased expenses and the dangers of the lengthened transportation, of heavy articles. In the event of one of those desolating tempests, of but too frequent occurrence in these otherwise favoured regions, destroying in an instant, the labours of a life, and scattering the hoards collected by prudence for the subsistence of the colony, the distance from these places of relief render timely assistance to the unfortunate impossible. The North American colonies cannot furnish these necessary supplies. The navigation of the principal river which carries the

greatest portion of her stores to the ocean, is closed the better part of the year, and is not practicable at that season which is usually marked by these calamities. It is believed too that by far the largest portion of the apparent exports of Canada of bread stuffs, and even of lumber, &c. are carried from the United States. There must be at all times a dependence to a certain extent upon this country. And if a conventional relaxation is not produced by a prohibition of this direct intercourse, or the imposition of such charges as shall amount almost to prohibition, it follows, that the trade will be circuitous. In this event the export trade, instead of being carried on exclusively in British bottoms, will be prosecuted in American vessels, and the vessels of that foreign nation in whose ports the parties may, by tacit arrangement, meet for the exchange of their commodities. The return cargoes, if of British growth, will, under the navigation act of the United States, be brought wholly in American vessels.

The only question remaining to be examined is as to the mode of effecting this desirable result—By total prohibition of all intercourse, or by burdensome charges on the trade if confined to British vessels? The committee believe that the latter is to be preferred, and have accordingly reported a bill. There is no essential difference between them, except as the one or the other is more or less inconvenient in its execution. The effect of onerous duties is more slow, but equally certain; the pressure will soon be felt, and the beneficial consequences gradually follow. The stream of commerce will easily and naturally flow into the desired channel, without the risk of those dangers which a sudden and violent effort to divert it might produce. A short time will prove the efficacy of this arrangement, and justify its continuance, modification, or abandonment. It is recommended too by its facility of execution: It requires no further alteration in the existing laws. It is not necessary to arm for its enforcement the petty officers of the customs, with powers dangerous and odious to a free people.

For further and more detailed information on the subject of this report, the committee refer the House to a document marked F, furnished from the department of State.

(A.)

Statement of the Amount of Duties arising on Merchandise imported into the United States from the British West Indies, and their American Colonies, from the 1st of October, 1801, to the 30th September, 1816.

From 1802 to 1809.

	1802.	1803.	1804.	1805.	1806.	1807.	1808.	1809.
British West Indies,	1,844,442	1,770,651	1,939,859	1,864,119	2,360,665	1,948,672	1,092,091	611,612
British N. A. Colonies,	62,154	58,225	111,578	144,868	188,253	244,126	112,177	148,224
Total. Dollars	1,906,596	1,828,876	2,051,437	1,008,987	2,548,918	2,192,797	1,204,268	758,836

From 1810 to 1816.

	1810.	1811.	1812.	1813.	1814.	1815.	1816.
British West Indies,	535,222	453,188	16,861	33,736	2,521	1,304,308	2,127,486
British N. A. Colonies,	79,602	44,915	55,780	26,552	184,794	1,386,620	317,298
Total. Dollars	614,824	498,103	72,641	60,288	187,315	2,690,928	2,444,784

(B.)

Statement of the Value of Merchandise, the Produce and Manufacture of the United States, exported to the British West Indies, and their American Colonies, from the 1st Oct. 1801, to the 30th Sept. 1817.

From 1802 to 1809.

	1802.	1803.	1804.	1805.	1806.	1807.	1808.	1809.
British West Indies,	6,228,464	5,624,647	6,315,667	5,473,218	5,092,288	5,322,276	1,427,510	1,511,570
British N. A. Colonies,	512,561	1,005,846	983,306	970,610	1,124,835	1,338,199	308,635	672,743
Total. Dollars	6,741,025	6,630,493	7,298,973	6,443,828	6,217,123	6,660,475	1,736,145	2,184,313

From 1810 to 1817.

	1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.
British West Indies,	2,322,720	1,626,115	1,775,037			1,684,480	3,050,729	3,802,462
British N. A. Colonies,	1,310,586	1,670,515	643,350	2,422	10,050	1,396,815	3,019,171	3,691,292
Total. Dollars	3,633,306	3,296,630	2,418,387	2,422	10,050	3,081,295	6,069,900	7,493,754

Value of Foreign Merchandise exported as above.
From 1802 to 1809.

	1802.	1803.	1804.	1805.	1806.	1807.	1808.	1809.
British West Indies,	461,026	90,973	731,991	518,185	515,640	630,361	133,553	154,429
British N. A. Colonies,	172,312	154,447	143,929	173,391	298,454	224,825	70,818	88,689
Total. Dollars	633,338	245,420	875,920	691,580	814,094	855,186	204,371	243,118
Total Am. & For. Merch.	7,374,364	6,875,913	8,174,893	7,135,408	7,031,217	7,515,661	1,940,516	2,427,431

From 1810 to 1817.

	1810.	1811.	1812.	1813.	1814.	1815.	1816.	1817.
British West Indies,	71,443	123,684	22,203	-	-	18,493	89,355	69,105
British N. A. Colonies,	132,250	177,929	17,382	-	-	865	40,279	27,527
Total. Dollars	203,693	301,613	39,585	-	-	19,358	129,634	96,632
Total Am. & For. Merch.	3,836,999	6,598,243	2,457,972	2,422	10,050	3,100,650	6,199,534	7,590,386

(D.)

Importations in American Vessels from the West Indies, &c. during the year ending on the 30th Sept. 1815.

	25 per cent.	30 per cent.	40 per cent.	Spirits.	Molasses.	Coffee.
British West Indies,	99,398	30,850	17	227,813	38,505	42,666
Do. American Colonies,	1,168,959	156,948	3,852	72,503	8,916	430
Other West Indies, &c.	2,999,702	572,547	40,459	1,814,650	3,516,851	17,687,856

	Cocoa.	Sugar.		Salt.	
		Brown.	White.	Bushels.	Pounds.
British West Indies,		125,233		317,150	2,753,292
Do. American Colonies,		85,715		55,066	572,081
Other West Indies, &c.	89,042	33,750,094	2,471,840	519,799	4,596,861

Importations in Foreign Vessels from the West Indies, &c. during the year ending on the 30th Sept. 1813.

	28 <u>875</u>	34 <u>650</u>	46 <u>20</u>	Spirits.	Molasses.	Coffee.
British West Indies,	560,384	138,159	25,612	867,314	146,160	320,132
Do. American Colonies,	1,906,236	319,963	28,063	215,511	94,971	2,160
All other West Indies, &c.	2,746,052	508,500	62,472	1,353,419	1,234,249	1,754,589

	Cocca.	Sugar.		Salt.	
		Brown.	White.	Bushels.	Pounds.
British West Indies,	112,002	1,465,490	2,749	172,834	2,442,865
Do. American Colonies,		912,949		2,473	
All other West Indies, &c.	163,421	7,580,632	1,010,894	202,876	3,676,364

(E.)
*Importations in Vessels of the United States from the West Indies and American Colonies, during the year
 ending 30th September, 1816.*

From	Value of merchandise paying duties ad valorem.				Spirits.	Molasses.
	7½ per cent.	15	20	25	30	
British American Colonies,	544	12,382	25,471	300,213	50,216	448
British West Indies,	219	825	86	12,917	2,774	76,385
All other West Indies, &c.	1,822	130,331	8,942	306,771	114,331	6,255,342
	2,585	143,538	34,499	619,901	167,321	6,332,175

From	Coffee.	Cocoa.	Sugar.		Pimento.	Salt.	
			Brown.	White clayed.		Pounds.	Bushels.
British American Colonies,	1,519		10,883	2,183	507	208,000	70,494
British West Indies,	68,650	2,328	937,632	43,244	344	16,874,133	863,625
All other West Indies, &c.	21,089,410	1,257,496	29,036,044	5,097,257	19,584	1,092,945	69,079
	21,159,579	1,259,824	29,984,559	5,142,684	20,435	18,175,078	1,003,198

Treasury Department, Register's Office, February 10, 1818.

JOSEPH NOURSE, Register.

Importations in Foreign Vessels from the West Indies and American Colonies, during the year ending on the 30th September, 1816.

From	Value of merchandise paying duties ad valorem.				Spirits.	Molasses.
	8 $\frac{1}{4}$ per cent.	16 $\frac{1}{2}$	22	27 $\frac{1}{2}$	33.	
British American Colonies,	9,384	34,451	9,967	86,509	17,377	74,539
British West Indies,		19,447	4,153	316,180	75,286	1,651,291
All other West Indies,	2,232	24,327	1,337	75,291	23,840	371,761
	11,616	78,225	15,457	477,980	116,503	2,097,591
						1,845,233

From	Coffee.	Cocoa.	Sugar.		Pimento.	Salt.	
			Brown.	White clayed.		Pounds.	Bushels.
British American Colonies,	32,309	6,395	57,048		29,331	209,123	1,816
British West Indies,	1,872,532	132,460	5,318,977	224,409	1,411,818	2,508,818	425,683
All other West Indies,	1,716,363	83,408	7,963,151	747,082	2,326	44,660	21,372
	3,621,204	222,263	13,339,176	971,491	1,443,475	2,762,601	448,871

Treasury Department, Register's Office, February 10, 1818.

JOSEPH NOURSE, Register.

(C.)

A Statement showing the Amount of Duties arising on Merchandise imported into the United States from the British West Indies, and British American Colonies, in American and Foreign Vessels, during the years ending on the 30th of September, 1815 and 1816.

On merchandise imported from	In American vessels.		In Foreign vessels.	
	1815.	1816.	1815.	1816.
British West Indies,	250,320	313,218	1,053,988	1,814,268
do. American Colonies,	431,849	135,430	954,771	181,868
Dollars	682,169	448,648	2,008,759	1,996,136

Treasury Department,
Register's Office, January 7, 1818.
JOSEPH NOURSE.

(F.)

Notes on the practical Effect of the Treaty lately made between Great Britain and the United States.

1. THE duties and tonnage on British and American ships and goods, are equalized, except as it respects the colonies of Great Britain in North America and the West Indies, to which the treaty does not apply.

2. Since the peace, the colonial system of Great Britain has been enforced with unusual rigour, neither American vessels or property being admitted into her colonies.

3. American vessels are admitted into the French, Spanish, Dutch, Danish, and Swedish colonies, in the West Indies, under certain restrictions as to imports and exports; and the vessels of those nations are admitted under similar restrictions, into the ports of the British colonies in the West Indies.

4. Very heavy duties have been recently imposed in the British West Indies on American produce, even when carried in British ships, and also on the exportation of plaster of Paris, from the colony of Nova Scotia to the adjoining state of the Union.

Observations on the preceding Facts.

1. In the agreement to equalize the duties on the carrying trade of the two countries, it will be seen at the first glance, that the positive advantages are on the side of Great Britain. Our exports are wholly composed of bulky articles, such as lumber, provisions, cotton, tobacco, tar, &c. &c. the whole of which are of primary necessity to the manufactures and colonies of Great Britain, and require for their transportation, a quantity of tonnage, ten-fold larger than that which would be requisite to bring back their value in British manufactures. Thus, a single ship from London or Liverpool frequently brings to the United States, twenty times the value of the cargo which the same carried from the United States; and of the one hundred sail of vessels which sailed for Ireland during the last season, not more than one would be requisite to bring back the returns in Irish linens, the only article of merchandise imported from that country. Now the only advantage which the United States derive from the treaty, is the removal of the duty imposed on their produce when

carried to British ports in their own bottoms. It was found proper to remove this duty by giving up the immense advantages that would accrue from the exclusive carriage of our own productions. It may, however, be observed with truth, that the British market, has for many years been as necessary to our productions, as those productions were to that market. But the period of monopoly has passed away, and our raw materials will find as ready a sale in the other parts of Europe, as they have lately found in Great Britain. These observations apply more particularly to the intercourse between the United States and the European ports of Great Britain.

2. The seizure and condemnation of American vessels under the charge of violating the laws which regulate the West India trade, leave no doubt as to the determination of the British government to enforce its colonial system in the most rigid manner. This severity on the part of Great Britain will warrant a counteraction on ours.

3. We have at present an unrestricted entry into all the ports of the island of Cuba ; and although Spain may at a future day fix certain limits to our imports and exports ; yet there can be no doubt of our having a partial entry for any lumber and other bulky commodities, necessary to her colonists, as well as a free export of such as are not wanted for the commerce of the mother country. There is a mutual advantage in this exchange which will insure its continuance for many years.

We have also admission into the Dutch, French, Swedish, and Danish settlements in the West Indies ; under such regulations, however, as the respective governments think proper to impose. These are of a nature to leave us many advantages and to employ a very large tonnage. We have also free admission into the Portuguese settlements in Brazil, where we might more reasonably expect a total seclusion. In a word, the other European nations, have so far yielded to the course which nature points out for the supply of their colonies with necessities, that they have no restrictions whatever as to the mode in which they are carried. Great Britain, alone, says that we shall not be the carriers of the articles which we ourselves furnish, although they are indispensable, not only to the well being, but frequently to the very existence of her colonies in the West Indies.

We should have less reason to complain, if the rigour

which is shown towards us, were dealt out in equal measure to other nations. But this is so far from being the case, that vessels under the flag of any European nation, having colonies in the West Indies, are admitted under certain limitations as to a size and the nature of their cargoes, the latter of which, however, may be composed of the very articles generally carried from the United States, as well of indigo, dye woods, specie, &c. &c. and what must appear very singular in the conduct of a nation affecting extraordinary morality in its publick as well as private character, by far the greatest part of the commerce carried on under this admission of foreign vessels into her West India islands, is in direct contravention of the laws of the respective governments to which they belong.

4. Does it accord with the spirit of liberality, which we are to presume, dictated the late treaty, to impose most extraordinary duties on our productions, even when carried to her settlements in her own vessels? She may say with apparent reasons, that she must encourage the consumption of the commodities, which are of her own growth, or of that of her North American colonies, and that ultimately the consumer must pay the duty. But, I trust, that before these observations are closed, it will appear, that this proceeding is grounded in jealousy, and a reliance (I hope a mistaken one) in our apathy.

In considering the treaty without reference to the West Indies, it would at first appear, that the carrying trade is left open to both the parties, and that there is a fair and equal chance for its emoluments. But on a nearer view, and in connexion with the excepted ports, it will be seen that Great Britain has such decided advantages over us, that unless some vigorous measures are adopted on our part, the shipping interest of this country must necessarily sustain incalculable loss. Instead of a gradual increase that might rationally be looked for in a country where every other branch of trade is progressive, we must be prepared to see our tonnage reduced at the end of four years, to one half its actual quantity. Great Britain loads annually six hundred sail of ships in her West India settlements, which make but one voyage a year. They sail from the West Indies generally, between the months of May and August, and consequently arrive in England between June and October. Of those which arrive first, as many as are re-

quisite, are freighted to bring dry goods, &c. to the United States, and if freights do not offer, they are loaded by the owners with salt, crates of earthen ware, coal, copperas, and a variety of bulky articles, of small value, the profits on which generally afford a moderate freight. When these cargoes are landed in the United States, and others consisting of provisions, lumber of all sorts, stock, and such other articles as are admitted into the British colonies, are taken in, they proceed to their West India settlements with all the prospects of advantage afforded by an exclusive trade, and they arrive in season to take another freight to England. Now, if the trade between the United States and the West Indies in British ships, were prohibited by our government, all the British ships employed in making the indirect voyages of which we have just spoken, would remain idle, until the months of November and December, at which time they generally sail from Europe to the West Indies; or they must perform the intermediate voyage by proceeding to the British settlements on this continent, to procure their lumber and provisions. But in this operation, the advantage of the outward freight is lost, for those settlements cannot consume the great quantity of coarse goods which are readily disposed of in the United States, and indeed a sufficiency is supplied by vessels regularly employed between these settlements and the mother country. Thus every article of lumber and provisions, carried from the North American colonies to the West Indies by vessels trading in this circuitous manner, must be subject to the charge of double freight. But there is still a greater inconvenience, which cannot be surmounted. Quebec is the only one of the colonies which can furnish bread stuff for the West Indies. Now it must be evident, that the West India ships arrive in Europe too late to proceed to Quebec, as they would certainly be caught by the ice. In this event therefore, of the seclusion of these ships from our ports, they would be unable to procure the profitable employment which they now enjoy by their circuitous voyages, already described.

Again, a considerable tonnage is employed in carrying timber from the bay of Fundy to Europe. The vessels employed in this trade, like those employed in that of the West Indies, bring freights, or coarse goods to the United States, and then proceed to execute the main object of

their voyage, after having secured one freight to the United States.

It must be seen on a moment's reflection, that these operations produce an injury to our carrying trade commensurate to the benefit which they yield to that of Great Britain. For it is evident, that in the instances here noticed, the voyages to the United States are merely incidental to others of greater importance; and yet the cargoes brought to this country are precisely those which, under proper restrictions, on our part, would be brought by our own vessels, and by the other British ships employed in a regular trade between the two countries. In fact, it is an evil growing out of the British colonial system, highly prejudicial to the maritime interests of this country. It is not even confined to the cases already noticed. British ships have brought freights or cargoes to the United States, where they have taken in lumber and provisions, with which they have proceeded to Jamaica, and after landing their cargoes and finding freights scarce, they have gone in a few days to New Orleans for a load of cotton or tobacco, for an European port; thus carrying three freights, two of which, at least, ought to have been carried by the ships of our own country. Now, the American tonnage, proceeding from the northern, and in fact, from all the Atlantick states, is compelled to proceed to New Orleans in ballast, because it cannot land cargoes of lumber and provisions in the West Indies, as the British do. The case is equally strong when applied to the shipping belonging to the British colonies in North America. Vessels come from New Brunswick, with cargoes of plaster, fish, &c. which yield a good freight, and afford returns in provisions and lumber, which are carried to the West Indies, and their value brought to us again in rum, &c. In these operations, the American shipping cannot participate, and the singularity of this case is aggravated by the consideration, that it is in the United States only that a market can be found for the plaster. There is something so unnatural in this restriction as to plaster, that we should have supposed, that even the jealous policy of Great Britain would have revolted at it, and surely great reliance must have been had on our forbearance, when the experiment was hazarded. But one solid advantage is derived from the minuteness with which the British colonial system is enforced. It develops the views and intentions of Great Britain in

a manner too clear to be misunderstood, and shows most forcibly, the necessity of an early and vigorous reaction on our part.

In the formation of the treaty, it is to be presumed that the parties, by relinquishing tonnage duties on the one side, and bounties on the other, intended to leave the commerce of the two countries open to fair and open competition, and if one of the parties thought proper to make exceptions as to the trade of particular ports or places, it would not have been expected that those exceptions should in any way operate to the positive disadvantage of the other party. Thus, if Great Britain had reserved to herself and to her colonies in North America, the privilege of directly supplying her West India settlements, with provisions and lumber, however irrational and unnatural the scheme may have been, we had no right to complain. But when she avails herself of the exception of her colonies from the operation of the treaty, in order to destroy or diminish the apparent equivalent which we have or should have received in return for our concessions, it would be extreme folly to suppose that our government would not take the necessary steps to remedy so serious an evil. The treaty would otherwise prove nothing more or less than an act of self immolation.

But there is another feature in the treaty, which, although it has excited but little observation, because its practical effects have not yet been felt, yet requires the immediate interference of the legislature. British ships may import into the United States on equal terms with our own ships the productions and manufactures of the whole globe; whereas we can carry to Great Britain, in our vessels, only *certain* articles of our own produce, and those too in an unmanufactured state. The staples of the eastern and middle states are virtually excluded from British ports by bounties granted in favour of her own and of her colonial productions. British ships may bring from the Baltic to the United States, the bulky articles of hemp, iron, cordage, and coarse linens; from Holland and Germany, a great variety of coarse goods, the wines and brandy, and even plaster of France, and also the wines and fruits of Spain and Portugal, as well as the salt of the latter countries, the last and only resource of a great number of our vessels returning from Europe, together with all the productions of the countries bordering on the Mediter-

anean, and, in a word, as before observed, of the whole universe. Thus it appears, that the operation of the treaty in its present form, and without interruption by restrictive measures on our part, will soon place us in nearly the same relation, in which her colonies stand to Great Britain, with the additional, and very convenient circumstance of our requiring no aid from her to support our establishment. We receive the produce and manufactures of Great Britain, of her colonies, and of the whole universe in her own bottoms; we furnish the most precious raw materials to her manufactures, and to her colonies lumber and provisions of a quality suited to the habits of her colonists, such as can be procured with convenience in this country only, and such as are always necessary to their convenience, and frequently to their very existence. We receive from their colonies in North America all their productions, and more especially one that has no value except in our country, and yet, being of a very bulky nature, requires and employs for its transport a very extensive tonnage. Thus we furnish a very extensive nursery for British seamen, and an ample field for the employment of British capital, and what is the return for all these advantages, and for all this complaisance on our part? Why, it is the privilege of carrying in our own bottoms a part of our own productions to Great Britain on the same terms that similar goods are carried from our country in her ships. And this is the same nation, which but a short time ago threatened to drive our flag from the ocean; and from the ocean she will drive it without firing a gun, if we sleep at our posts.

We are to presume from the character of the individuals who acted as our commissioners in the formation of the treaty, that they were fully aware of the consequences that might flow from the exclusion of the British colonies from its operation, and they must have been sensible, that some moderate concessions would have been made by the British government in regard to their colonial trade, or that the severity of its regulations would be met by a corresponding counteraction on our part. It appears, therefore, singular, that no mention has been made relative to the subject, in any of the official communications of the government to Congress, nor in fact any notice taken of it until a motion was made by Mr. King, calling for some rigorous measures on our part to meet those already

adopted by the British government. From the sentiments expressed by some of the House, it may be inferred, that it is considered as a very delicate subject. It is certain that it is much to be regretted, that the conduct of Great Britain should render it a subject of necessary legislation in our national councils. But it must be observed that the date of the British tariff of duties on our produce carried to the West Indies is subsequent to that of the treaty. We may therefore be considered at issue on the point of restriction, and we may as well commence our operations now, as at some future period, when the minds of our people may be more irritated by the operations of the present system. There may be some difference of opinion as to the manner in which we ought to proceed in regard to the West India trade, but this I think will soon disappear, when we look narrowly into the nature of the West India settlements, and of the many local circumstances by which they are affected. Soon after the American revolution, Great Britain excluded the vessels of the United States from her West India ports. She had determined to try the experiment of supplying them from her colonies on this continent. She however, permitted her own vessels to carry supplies from the United States, and yet so inadequate were these supplies to meet the extraordinary demand occasioned by hurricanes, that according to the statements of Bryan Edwards, the historian, in the short period of six years, no less than fifteen thousand human beings perished in her West India colonies from hunger, and bad provisions. But there is now no longer a deficiency of tonnage or capital for the ample supply of those colonies, provided our ports are open as they then were. There is, on the contrary, a redundancy both of shipping and capital, and nothing is wanted but a continuance of our complaisance, to insure the profitable employment of one and the other. The views of Great Britain have been developed by acts of an unequivocal character, and it now rests with us to show whether she has judged as correctly in calculating on our forbearance now, as she did on the former occasion. Then if we are not arrested by any considerations in regard to her, we have only to settle the question as it respects the interest of our own country. This subject may be brought before us in a very simple form—*Can Great Britain support her West India colonies in comfort, or even in safety, without supplies from the United States?* I answer with confidence, that she cannot—

and that consequently, we are entitled to, and can obtain from her a reasonable participation in the carriage of the articles which we alone can furnish. If she monopolizes the carriage of her plaster, may we not as reasonably monopolize the carriage of our supplies which are as useful to them as her plaster is to us.

We have already shown in what manner she now supplies her islands from the United States, and how much that mode of supply operates to our prejudice, and from the single fact of her taking supplies from us in any form or manner, it might fairly be inferred that she is unable to furnish them from her own resources. For can any one, knowing the uniform course of her policy towards us, doubt for a moment as to the motives of her conduct on this occasion? Would she permit the importation of a barrel of meal, or one stave from this country, if she could furnish that barrel, or that stave, from her own possessions? But we shall endeavour to supply proofs of a more positive character. Let us then suppose all communication to be interdicted between the United States and the British West India islands, and that the latter are compelled to rely on their own resources, or those of the mother country and her colonies on this continent, for supplies of lumber and provisions.

It is well known that the West India islands are unable to support themselves, otherwise the question as to supplying them, would never have been agitated. The single circumstance of their being liable to be occasionally visited by hurricanes is, of itself, sufficient evidence of their dependence on foreign aid. They must then depend on supplies from the mother country and her colonies in North America. Let us now see to what extent they may safely rely on the one and the other. England and Ireland can furnish salt provisions in abundance, and wheaten and rye flour. The latter are the only articles of dry provisions that can be furnished from Europe. Peas and beans have been tried frequently, but have been found a most unwholesome food for the slaves. Rye flour is also a bad food, as it proves uniformly sour before its arrival, and makes at best but a weak and unwholesome food, in the manner in which it must be used by the negroes, as they cannot submit it to the process of fermentation before it is used. The mode of preparing food adopted by the negroes is, and necessarily must be extremely simple, and must re-

quire but little time or fuel : a small earthen or iron pot composes the whole of a negroe's culinary apparatus, and into this pot, every thing must go. During the late war, the experiment was fully made with rye flour, and it was universally condemned and abandoned as soon as Indian meal could be procured. Wheaten flour, although wholesome and nourishing, yet requiring more preparation than Indian meal or rice, is found less agreeable than the latter articles, even when perfectly sweet ; but it will be seen, that of necessity it must generally be delivered to the negro in an unsound state, and of course must prove an unwholesome diet. Thus we see, that Great Britain can furnish but one article of dry provisions to her islands, and even that one, of a doubtful character as to its effects on the health of the negroes. Of her means for supplying lumber, I presume it is needless to say any thing, as she relies on foreign supplies for her own consumption. The islands must then depend on Nova Scotia and Canada for all their lumber, and for such dry provisions as the mother country cannot supply. Nova Scotia can export no dry provisions, she, on the contrary imports for her own consumption. Fish, she can supply in great variety and abundance. White pine lumber abounds in the bay of Fundy, but good lumber of other kinds is very scarce there. The only and last resource, therefore, is Canada. Here flour and lumber of some kinds may be procured ; but there are so many untoward circumstances attending the mode of supply from Canada, that the object can only be attained in a very imperfect manner. Thus we see, that the West Indies can be supplied with flour, fish, and a certain portion of lumber from Canada and Nova Scotia : and we will, for argument's sake, suppose that these supplies may be fully equal to the demands of the islands. We will further suppose that the planters, as well as the slaves, are compelled to eat Canadian flour, and to use none but Canadian and Nova Scotia lumber, and fish : we will even go further, and suppose that a regular intercourse is established, and that the demands of the colonies in the West Indies are ascertained, and the shipments duly proportioned to those demands. Are there then no contingencies which may occasionally diminish, if not wholly defeat the object of this arrangement ? It is well known, that vessels of burden can make but one voyage annually, to Quebec, and that, consequently, the whole supply of dry provisions consisting only of bread

and flour for one year's consumption, must be deposited in the warm climate of the West Indies, between the months of June and September, and that during the remaining eight months of the year, the consumer must eat the flour of the preceding year's growth, under all its progressive, and I may add, rapid stages of deterioration, until the supplies of the ensuing year arrive. But this is not the only inconvenience attending this mode of supply; a much larger capital must be employed in the business, because the merchant in the West Indies, who supplies the estates must make his investments for the remainder of the year, during the four months in which the supplies are brought to market, and he will demand a price proportioned to the inconvenience sustained by his heavy advances, and to the danger of totally losing whatever stock he may have on hand when new provisions arrive. Thus the provisions which, under the most favourable circumstances would be dear, become much more so; but we will even suppose, that this inconvenience is obviated by a submission on the part of the planter, we will then have placed the matter in the most favourable point of view that our opponents could require.

It is well known that the island of Jamaica has more internal resources than any of the other British islands in the West Indies. She raises such large quantities of ground provisions, and has such extensive plantation walks, as they are called, that she does not import one tenth part of the provisions consumed by her black population. The clearances from our custom-houses will show, that she receives from us proportionably less negro, and more fine provisions, than any other of the British islands. I make this assertion on the additional authority of the best informed merchants of this city; but the weight of my observations on this particular point, are but little affected by a supposition of the quantity of negro provisions being greater or less than that here stated.

According to the official returns of the number of negroes in that island, in the year 1787, the latest official record that I can find, there were

250,000 negroes.

40,000 white and coloured persons in the island.

290,000 being the whole population.

We have already supposed that the whole of the white population shall receive its dry provisions from abroad,

but that the negroes and coloured people receive only one tenth of their provisions in the same manner. Let us then suppose, that under this order of things, the island should be visited by one of those dreadful hurricanes by which it is so frequently ravaged, and which destroy all the fruits of the earth that are exposed to the violence of their action. The consequences of this awful visitation, cannot be contemplated without horror, and without deprecating the blind and inveterate policy that could subject such an extensive population to all the miseries of famine and consequent insurrections, and massacres, that would ensue. If it is imagined that I speak in terms of exaggeration, let me refer to the authentick history of Bryan Edwards. But enough can be proved without any such reference, for it must be remembered, that these scourges would only occur at those precise periods when the islands can receive no immediate supplies from Canada, and that they are too remote from England to receive aid from that quarter. Hurricanes prevail almost exclusively in the months of September and October, during which latter month, the navigation of the St. Lawrence generally closes.

I have selected the island of Jamaica for the particular object of my observations, because it is equal in value to all the other islands, and because it has proportionably greater resources. The same observations will apply with still greater force to the other insular possessions of Great Britain in the West Indies.

When we take into consideration the amount of British capital vested in the West Indies, estimated many years ago by Bryan Edwards, at the enormous sum of 70,000,000 sterling; of the value and extent of the British shipping employed in the West India trade, which in 1787, was no less than 1069 vessels, or 155,009 tons; and also the amount of the mercantile capital actively and usefully employed in this trade, can we for one moment, suppose that Great Britain will put in jeopardy the whole, or any considerable part of these important possessions, merely to preserve to herself, the comparatively small consideration of monopolizing the carriage of our lumber and provisions, in which we have a rational claim to participate? Such a supposition but ill accords with the wary and calculating spirit that governs her commercial policy.

But let us admit, that, deaf to all the suggestions of reason and common prudence, she should persist in this course

of interdiction, are there no other considerations opposed to its operation? Will she lay aside all regard to the comfort, to the established habits and to the interests of her colonists which are identified with her own? The charges incident to the cultivation of the favoured island of Jamaica, are already so high, that on an average the estates of that island scarcely pay the legal interest of the capitals vested in them; and it is well known, that her possessions in the Antilles have, for many years been considered rather as splendid, than useful appendages to the crown. Many of the sugar estates have lately been converted into pasture, from the inability of the proprietors to support the heavy charges incident to the manufacture of sugar and rum, and from the decrease of population. Our embargo, and the late war, have contributed considerably to produce this effect. The preceding observations are made under a presumption that Great Britain is at peace with all the world. But if we represent her as engaged in a war with any of the maritime nations of Europe, her West India colonies must be absolutely dependent on the United States for their supplies. For even if Great Britain and her North American colonies could furnish the materials, the charges of carriage and insurance would render them insupportably dear. Whilst writing these notes, I received from a friend, the return of the naval officer of Jamaica, of the imports and exports of that island for one year, viz: from the 30th September, 1803, to September 30th 1804, of some of the items of this document, I may speak hereafter. At present I shall only observe, that it was made at a time when Great Britain was at war with France, and when she found it necessary, *as she always must do on similar occasions*, to suspend the operations of her colonial system. From the part which we then performed in furnishing and carrying supplies to her islands, it may easily be imagined what must be the situation of these islands, when the mother country is at war with us. The writer can state, on the authority of several respectable residents in the island of St. Croix, that, from the commencement of our embargo in ——— to the conclusion of the late war, no less than 7,000 slaves perished from hunger and bad provisions; the island during that time, was in possession of the British. Its proximity to Porto Rico, gave it many advantages over the other British islands.

It may, however, be justly observed, that the object is

well worth the attention and even solicitude of Great Britain. By the return, of which I have just spoken, and which will be found annexed to these notes, it appears that the amount of the tonnage which entered Jamaica from America in one year, was 69,525 tons, and we can form some estimate of the proportion of that tonnage which belonged to the United States, by the proportion of goods stated to have been carried by American vessels. I should be disposed to consider the proportion at least as eight tons of American to one of British shipping. But if the tonnage employed in carrying to Jamaica 69,525 tons be doubled, it will give a tolerably accurate view of the whole tonnage sent from America, to the West Indies, in one year, viz. 139,050 tons. This tonnage divided, gives 1390 vessels of 100 tons, performing one voyage in a year, or 695 of the same burden, performing two voyages in a year; or 347 of 200 tons performing two voyages in a year—Now can it be reasonably expected, that as a maritime nation, we will permit Great Britain, to load by far the largest part of this tonnage in our ports, with articles which she cannot supply; and which are absolutely necessary to her colonies, without some equivalent? Are we to count for nothing the market which we afford for the consumption of her West India produce, and without which one most important item, viz. rum, must lose one half its value?

The writer closes his observations on this very important subject with a personal one relative to himself. He has lived many years in the West Indies, and has been intimately connected with their commerce for the last thirty-five years.

St. Jago de la Vega, (Jam.) December 1.

By a return of the naval officer, laid before the House of Assembly, on Tuesday the 13th November, the following is a summary of the exports and imports of this island from the 30th September, 1803, to 30th September, 1804:

Imports from the United States of America in American Vessels.

64,362	barrels of corn meal and flour	
16,119	bags	
6,223	barrels	} of bread
3,895	kegs	
3,063	tierces of rice	

2,275	hhds.	}	of fish
15,743	barrels		
444	kegs		
2,743	boxes	}	ditto
267	quintals		
11,741	barrels of beef		
17,038	barrels of pork		
5,247	firkins of butter		
65,435	bushels of corn		
6,768,271	feet of lumber		
7,997,957	staves and heading		
12,733,207	shingles		

In British Vessels.

12,937	barrels of corn meal and flour		
648	barrels	}	of bread
513	kegs		
561	tierces of rice		
261	hhds.	}	of fish
845	barrels		
100	kegs		
565	boxes		
667	barrels of beef		
1,596	barrels of pork		
49	firkins of butter		
162	casks		
3,892	bushels of corn		
400,845	feet of lumber		
411,902	staves and heading		
242,000	shingles		
93	casks of tobacco		
1,467	barrels of naval stores		

From British America.

816	barrels of flour		
100	bags	}	of bread
88	barrels		
109	kegs		
10	quintals		
1,904	hhds.	}	of fish
13,798	barrels		
321	kegs		
368	boxes		
362	barrels of bread		

191 barrels of pork
 80 firkins of butter
 4,300 bushels of corn
 719,971 feet of lumber
 302,750 staves and heading
 139,750 shingles
 153 logs
 60,000 feet of mahogany
 154 casks of oil
 92 hhds. of beer

Exports. Total from Kingston.

41,562 hhds.	}	of sugar
3,940 tierces		
144 barrels		
12,003 puncheons	}	of rum
541 hhds.		
64 casks of molasses		
873 bags	}	of ginger
1,024 casks		
5,645 bags	}	of pimento
632 casks		
16,313,386 pounds of coffee		

Total from the Out Ports.

61,970 hhds.	}	of sugar
8,862 tierces		
717 barrels		
30,204 puncheons	}	of rum
372 hhds.		
365 casks of molasses		
981 bags	}	of ginger
70 casks		
13,927 bags	}	of pimento
785 casks		
5,750,594 pounds of coffee		

GRAND TOTAL.

103,352 hhds.	}	of sugar
12,802 tierces		
2,207 barrels		
42,207 puncheons	}	of rum
913 hhds.		

429 casks of molasses
 1,854 bags } of ginger
 1,094 casks }
 19,572 bags } of pimento
 1,417 casks }
 22,063,980 pounds of coffee

Increase since last year.

In coffee only, 4,240,977 lbs.

Decrease.

About 6,000 hhds. of sugar
 16,148 puncheons } of rum
 560 hhds. }
 93 casks of molasses
 2,644 bags of ginger
 1,537 bags } of pimento
 68 casks }

The Tonnage of Vessels trading to this Island between 30th September, 1803, and 30th September, 1804, was,

From Great Britain and Ireland	-	-	93,433 tons
America	-	-	69,525
The Spanish Main	-	-	4,101
Traders under free port act	-	-	14,826
Droggers	-	-	3,382

During the above period.

1,813 horses
 2,182 mules
 218 asses
 2,107 horned cattle have been imported, and from
 Great Britain and Ireland
 54,507 barrels of herrings.

ART. I. His Britannick majesty consents to extend to the United States the provisions of the free port act, as established by the 45 Geo. III. chap. 57, (except as far as relates to negro slaves, which, under the abolition acts can no longer be lawfully exported from any British possession to any foreign country,) that is to say; that any sloop, schooner, or other vessel whatever, not having more than one deck, and being owned and navigated by subjects of

the United States, may import into any of the free ports in his majesty's possessions in the West Indies, from the United States, any of the articles enumerated in the above act, being of the growth, or production, of the United States, and any coin, bullion, diamonds and precious stones; and the said articles being of the growth, or production of the United States, and also all other articles imported into the said free ports, by virtue of this convention, from the United States, shall be subject in all respects to the same rules, regulations, and restrictions, and shall enjoy the same advantages as to re-exportation, as are now applied to similar articles, when imported by authority of said act, from any other foreign country, and re-exported from the said possessions of his majesty. His Britannick majesty further consents, that any vessel of the United States, as above described, may export from any of the said ports to the United States, rum of the produce of any British colony or possession; and also all manner of goods, wares, or merchandise, which shall have been legally imported into those possessions of his majesty, in which the said free ports are established, except masts, yards, or bowsprits, pitch, tar, and turpentine; and also, except such iron as shall have been brought from the British colonies, or plantations, in America.

And whereas, by an act passed in the 48th year of his majesty's reign, chap. 125; rice, grain, and flour are added to the articles previously allowed, to be imported into the said free ports, it is agreed, that those articles may be imported from the United States into the said free ports, in vessels of the United States as above described, and it is agreed, on the part of the United States, that any facilities granted in consequence of this convention, to American vessels, in his majesty's said colonies and possessions, shall be reciprocally granted in the ports of the United States, to British vessels of a similar description, engaged in the intercourse so allowed to be carried on, and that, if at any future period, during the continuance of this convention, his Britannick majesty should think fit to grant any further facilities to vessels of the United States, in the said colonies, and possessions, British vessels trading between the said colonies and possessions and the United States, shall enjoy in the ports of the latter equal and reciprocal advantages. It is further agreed, that articles imported into the said free ports of the United States, by virtue of

this convention, shall pay the same duties as are, or may be payable, upon similar articles, when imported into the said free ports, from any other foreign country; and the same rule shall be observed on the part of the United States, in regard to all duties chargeable upon all such articles as may, by virtue of this convention, be exported from the said free ports to the United States.

But his Britannick majesty reserves to himself the right to impose higher duties upon all articles so allowed to be imported into the said free ports, from the United States, or from any other foreign country, than are, or may be chargeable, upon all similar articles, when imported from any of his majesty's possessions.

Art. II. His Britannick majesty engages to allow the vessels of the United States to import into the island of Bermuda, the following articles, viz. tobacco, pitch, tar, turpentine, hemp, flax, masts, yards, bowsprits, staves, heading, boards and plank, timber, shingles and lumber of any sort, bread, biscuit, flour, peas, beans, potatoes, wheat, rice, oats, barley and grain of any sort; such commodities being the growth or production of the territories belonging to the United States of America: and to export from the said island to the United States, in vessels of the said states any goods or commodities whatever, which are now by law allowed to be exported from his majesty's colonies and possessions in the West Indies, to any foreign country, or place, in Europe; and also sugar, molasses, coffee, cocoa, nuts, ginger and pimento; and also all goods, the growth, produce, or manufacture, of the United kingdom of Great Britain and Ireland, upon the same terms, and subject to the same duties only, as would affect similar articles, when imported from the United States into Bermuda, or exported from Bermuda to the United States in British ships. And it is agreed, on the part of the United States, that a similar equality shall prevail in the ports of the said states with regard to all British vessels trading in similar articles, between the United States and the island of Bermuda.

Art. III. It is agreed, that vessels of the United States may resort to Turk's Island, for the purpose of taking in cargoes of salt, for the United States; and that the vessels so resorting to the said islands, shall be allowed to import tobacco, cotton and wool, the produce of the said United States, upon the same terms, and subject to the

same duties as British ships, when engaged in a similar intercourse. It is agreed on the part of the United States, that a similar equality shall prevail in the ports of the said states with regard to all British vessels trading in the same articles between the United States and the said Turk's Island.

Art. iv. It is agreed, that the navigation of all lakes, rivers, and water communications, the middle of which is, or may be the boundary between his Britannick majesty's territories on the continent of North America, and the United States, shall, with the exception hereinafter mentioned, at all times be free to his majesty's vessels, and those of the citizens of the United States. The inhabitants of his Britannick majesty's territories in North America, and the citizens and subjects of the United States, may freely carry on trade and commerce by land, or inland navigation, as aforesaid, in goods and merchandise, the growth, produce, or manufacture, of the British territories in Europe, or elsewhere, or of the United States, respectively, within the territories of the two parties respectively, on the said continent, (the countries within the limits of the Hudson's Bay Company only excepted) and no other or higher duties or tolls, or rates of carriage, or portage, than which are, or shall be, payable by natives respectively, shall be taken or demanded on either side. All goods, or merchandise, whose importation into the United States shall not be wholly prohibited, may freely, for the purposes of commerce abovementioned, be carried into the said United States, in the manner aforesaid, by his Britannick majesty's subjects; and such goods, or merchandise, shall be subject to no other, or higher duties, than would be payable by citizens of the United States, on the importation of the same in American vessels into the Atlantick ports of the United States; and in like manner, all goods and merchandise, the growth, produce or manufacture of the United States, whose importation into his majesty's said territories in America, shall not be entirely prohibited, may freely, for the purposes of the commerce abovementioned, be carried into the same, by land, or by means of such lakes, rivers and water communications as abovementioned, by the citizens of the United States; and such goods and merchandise shall be subject to no other or higher duties, than would be payable by his majesty's subjects on the importation of the same from Europe into the said territories.

No duties shall be levied by either party on peltries, or furs, which may be brought in the manner aforesaid by land, or inland navigation, from the said territories of one party into the said territories of another; but tolls, or rates of ferriage, may be demanded and taken in manner abovementioned, on such peltries or furs. It is further agreed, that nothing in this article contained, as to the navigation of rivers, lakes, or water communication, shall extend to give a right of navigation, upon, or within the same, in those parts where the middle is not the boundary, between his Britannick majesty's territories and the United States of America.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE HOUSE OF REPRESENTATIVES, RELATIVE TO SPANISH BLOCKADE OF SANTA FE, &c. FEB. 12, 1818.

CONFORMABLY with a resolution of the House of Representatives of the 6th of this month, I now lay before that house, a report received from the Secretary of State, with the copy of the correspondence referred to, and requested by that resolution.

JAMES MONROE.

Department of State, Feb. 12, 1818.

THE Secretary of State, to whom was referred the resolution of the House of Representatives of the 6th of this month, requesting the President to cause to be laid before that house, the correspondence with the government of Spain, to which a letter of the minister of the United States at the court of Madrid of the 25th of October, 1816, communicated with a late message of the President to that house, relates, has the honour herewith to submit to the President a copy of the correspondence requested.

JOHN QUINCY ADAMS.

*The Chevalier Don Luis de Onis, to the Secretary of State.
Philadelphia, Sept. 5, 1815.*

SIR,—Under the date of 30th June, I am advised by lieutenant general Don Pablo Morillo, captain general of Caraccas, and commander of the expedition which his

majesty has destined to re-establish tranquillity at Carthagena, that, with a view to accelerate this important object, he is about to establish the most rigorous blockade of the ports of the vice royalty of Santa Fe, including Carthagena, and that, in consequence, every neutral vessel which shall be found, not only in those ports, but on those coasts, shall be made prize of, in order to prevent those who have revolted from his majesty's authority, receiving succours of any kind.

I have thought it proper to communicate this to you for the information of the President, that the injuries may be avoided which would result to the citizens of this republic, if they continue as heretofore, to trade with the rebels against the authority of my sovereign.

I renew to you, sir, &c.

LUIS DE ONIS.

Don Luis de Onis, to the Secretary of State. Philadelphia, March 2, 1816.

SIR,—Don Pablo Morillo, commander in chief of the forces destined by the king, my master, for the pacification of the vice royalty of Santa Fe, says to me, under date of the 19th of December last, that after having compelled Carthagena to surrender at discretion, he had found it expedient, for the complete re-establishment of the tranquillity of the vice royalty, to continue the blockade from Santa Marta to the river Atrato inclusive, and to give orders, that if any vessel be met with, further south than the mouths of the Magdalena, or further north than the parallel of cape Tiburon on the Mosquito shore, and between the meridians of these points, she would be declared a good prize, whatever documents or destination she might have. But that he had left open to the commerce of neutrals, the two ports of Santa Marta and Puerto Bello.

I have the honour to give you this notice, as it may be interesting to the merchants of the United States, and to renew the assurances, &c.

LUIS DE ONIS.

Mr. Monroe, Secretary of State, to the Chevalier de Onis, Envoy Extraordinary, and Minister Plenipotentiary, &c. March 20, 1816.

SIR,—I have had the honour to receive your letter of March 2d, announcing the continuance of a blockade of the Spanish coast in South America, from Santa Marta to the river Atrato, inclusive of the latter, by the commander

in chief of his catholick majesty's forces, and that if any vessel is met south of the mouths of the Magdalena, or north of the parallel of cape Tiburon, on the Mosquito coast, and between the meridian of those points, she shall be seized and condemned as prize, whatever may be her documents or destination. You state also, that the ports of Santa Marta and Porto Bello, are left open to neutrals.

I have to state that this proclamation of general Morillo, is evidently repugnant to the law of nations, for several reasons, particularly the following: that it declares a coast of several hundred miles to be in a state of blockade, and because it authorizes the seizure of neutral vessels at an unjustifiable distance from the coast. No maxim of the law of nations is better established, than that a blockade shall be confined to particular ports, and that an adequate force shall be stationed at each to support it. The force should be stationary, and not a cruising squadron, and placed so near the entrance of the harbour or mouth of the river, as to make it evidently dangerous for a vessel to enter. I have to add, that a vessel entering the port ought not to be seized, except in returning to it, after being warned off by the blockading squadron stationed near it.

I am instructed by the President, to state to you these objections to the blockade, which has been announced in your letter, that you may communicate them to your government, and in confidence that you will, in the mean time, interpose your good offices, and prevail on general Morillo to alter his proclamation, and practice under it in such a manner, as to conform in both respects to the law of nations.

In stating to you these well founded objections to the blockade of general Morillo, I have the honour to observe, that your motive for communicating it, is duly appreciated.

I have the honour to be, &c. JAMES MONROE.

*Don Luis de Onis, to the Secretary of State. Philadelphia,
March 25, 1816.*

SIR,—I have received your official letter of the 20th of this month, in which you state that the proclamation of general Morillo is repugnant to the laws of nations, as well because it declares a coast of several hundred miles in a state of blockade, authorizing the capture of every neutral vessel at an unlimited distance from the coast, as that it is

an established maxim among nations that a blockade should be limited to the ports where there may be a stationary and not a cruising force sufficient to make the entrance of the harbour or river where it may be placed dangerous, and finally, even in this case, a vessel ought not to be captured when she is about to enter a port, save only, when, after having received notice of the blockade, she attempts to infringe it. You are pleased to state to me, that the President desires that I will communicate these observations to my government, and that I would use my good offices, confidentially with general Morillo, so to modify his blockade, as to make it conform to the laws of nations.

I will communicate to his majesty in compliance with the wishes of the President, what you have stated to me in your note, and I will with pleasure avail myself of the departure of Mr. Hughes, to write to general Morillo, inviting him, in the execution of his blockade, to avoid the injurious effects resulting therefrom, to the citizens of this republick, so far as may be compatible with the security and tranquillity of his majesty's dominions under his command.

I must, however, observe to you, sir, that general Morillo has a naval force disposable and competent, as I conceive, to the object in view. That on the 3d of February there sailed from Cadiz, a squadron of a ship of the line, two frigates, and several smaller vessels as a reinforcement: that on the coast intended to be blockaded by the said general, there are no other ports of entry for merchant vessels than those of Carthagena, Santa Marta, and Porto Bello; and finally, that the measure taken by him, not being directed against an enemy's country, is not, as stated in your esteemed note, contrary to the laws of publick rights. The object of the general's proclamation is to notify the traders of foreign nations, that he will maintain the laws for the regulation of the Indias in their full force; the observance of which had been relaxed in the latter times, by the effect of circumstances, though modified, however, in favour of neutrals, by leaving two ports open to their commerce. You are aware, that, agreeably to those laws, no foreign vessel was allowed to trade with the dominions of his majesty, on that continent, without a special license, and that vessels found near, or evidently shaping a course towards, them, were liable to confisca-

tion as interlopers. Not only that part of the coast, lying between Santa Marta, and the river Atrato, but the whole coast eastward and southward of those points, from the Oronoco to the territory of this republick, belongs to the Spanish monarchy, and, consequently, any vessel whatever found near it, or standing towards it, can have no other object than to carry on smuggling, or stir up a civil war in the king's dominions; in either case, the laws of nations recommend the seizure of the vessels so employed. Actuated by a constant desire to prevent the misfortunes which such injuries might occasion to the citizens of this republick, I have, on other occasions, suggested a very simple mode of putting an end to them, namely; that the President would be pleased to issue orders, that no vessel should be cleared at the custom-houses, save for a specified port, according to the general practice of nations: the practice of clearing many vessels, for the *West Indies* generally, carries with it, a suspicion of a design to carry on a contraband trade, or to disturb the publick tranquillity in the dominions of the king, my master, and therefore, the owner who clears out his vessel in this way, and without the certificates of the Spanish consuls, cannot complain if it be detained as suspicious. In fact, what difficulty can a merchant, acting fairly, have, to specify the port of Havana, Kingston, Santa Marta, Guayra, Porto Bello, Rio Janeiro, or any other of an independent nation? None, unquestionably; since, in case of not finding a good market at one place, he proceeds to another, with a declaration made at the port he touched at, of the motives which obliged him to alter his destination. The wisdom and humanity which eminently distinguish the President and the administration, cannot fail to perceive the solidity of these observations, nor to approve the policy of his majesty in taking the most suitable and effectual measures to secure his subjects from the civil war which a number of adventurers are endeavouring to kindle in his dominions; and I therefore flatter myself that he will be pleased to take into consideration, the expediency of adopting the measure I have had the honour to suggest to you, by preventing the collectors of the customs from clearing out vessels, except for specified ports, and notifying merchants trading with the possessions of the king, to conform to the established rules and orders, regulating, not only neutrals, but Spanish vessels also, that they may avoid the consequences of their

nonobservance, notwithstanding his majesty's desire to afford them within his dominions, all the benefits and advantages compatible with the publick safety and his royal interests.

I hope that the explanation which I have thus taken the liberty to make, until I have received the answer of the king, my master, will quiet the anxiety of the President, as to the proclamation of general Morillo, and that it will be viewed by him as a continuation of my earnest desire to reinstate the commerce of the two nations, reciprocally, on the most liberal and favourable footing.

I renew my respects, &c.

LUIS DE ONIS.

Extract of a Letter from the Secretary of State to Mr. Erving, dated Department of State, July 20, 1816.

"You have been apprised already of a similar measure, which was taken in regard to the vessels which had been seized at Carthagená, and the citizens of the United States, who, under various pretexts, had been arrested and imprisoned there. I have the pleasure to state that the application succeeded, as to our citizens, though it failed as to the vessels. You will interpose directly with the Spanish government in favour of the latter, documents respecting which shall be forwarded to you, either by the present or some other early opportunity."

Mr. Erving to his Excellency Don Pedro Cevallos, First Minister of State, &c. Madrid, September 26, 1816.

SIR,—I am ordered by my government to apply to his majesty through your excellency, for the restitution of sundry American vessels and cargoes which have been seized and brought into Carthagená, or other places within that command or vice royalty, under pretext of a pretended blockade, issued by Don Pablo Morillo, in December, 1815.

When that blockade was communicated to the American government, Mr. Monroe, Secretary of State, in a note of March 20th, 1816, addressed to his majesty's minister at Washington, formally protested against it; and it was hoped that on proper representations being made by that minister to general Morillo, he would retract his measure, or if not, that his majesty, being made acquainted with the remonstrance of the American government,

would immediately send out orders which might produce the same effect, and assure for the future, due liberty to the American commerce in those seas.

But it now appears, that as late as the month of June no alteration had taken place in the measures of Morillo, no attention had been paid to the interference of Don Luis de Onis, and finally the commissioner, Mr. Hughes, who was sent by the government of the United States to Carthagena, for the purpose, amongst others, of reclaiming the property seized, was obliged to return to the United States, on that point altogether unsatisfied. Indeed the viceroy of Santa Fe, Don Francisco de Montalvo, gives this commissioner to understand, by a letter of June 9th, whereof the enclosed is a translated copy, that he, the viceroy, does not pretend to be acquainted with the law of nations, and, at the same time that he goes on executing the arbitrary and illegal decrees of general Morillo, devastating the commerce of the United States, he refers the American government to his majesty for redress.

It is therefore that I now find it necessary to write to your excellency upon this disagreeable subject.

It is in vain, sir, to hope that the United States will ever consent to blockades upon the principles of general Morillo; they will acknowledge none to be valid, which are not strictly conformable to the well known principles of publick law, principles most clearly defined and quite indisputable, to which the United States have always adhered in their own practice, and to the infringement of which, in any form, in any degree, or under whatever pretext, they have always opposed themselves.

The blockade of general Morillo is repugnant to the law, because it extends over several hundred miles of coast, and to an indefinite distance from the shores, of course cannot be enforced as a blockade, but remains a bare pretext for spoliation. A blockade by sea, to be acknowledged as valid by the United States, must be confined to particular ports, each having a force *stationed* before it, sufficient to intercept the entry of vessels, and no vessel shall be seized, even in attempting to enter a port so blockaded, till she has been previously warned away from that port.

I may be excused from dilating on rules so perfectly established, so consonant to justice and to reason, in

writing to a person of your excellency's knowledge and experience.

His majesty, who does not fail, through his minister, Mr. Onís, to assure the United States of his constant disposition to cultivate relations of friendship with them, and to that end to satisfy all their just reclamations, will certainly be sensible to the violent proceedings of which my government now complains, and I persuade myself will not hesitate in ordering that the proclamation of embargo issued by general Morillo, be declared null, and that all the American property which may have been taken under it be immediately restored to its owners.

In this confidence I annex hereto a list of the vessels already known to have been captured.

Renewing to your excellency, &c.

GEORGE W. ERVING.

Schooner Adeline, of Baltimore, at Carthagena.

Friend's Hope, of Baltimore, at Carthagena.

Schooner Count, of Baltimore, at Carthagena.

Charles Stewart, of New Orleans, at Santa Martha.

Edward Graham, at Santa Margarita.

Ghent, of Norfolk, at Puerto Cavallo.

N. B. It is believed that the cargoes of several of these vessels have been confiscated without even the form of trial.

Don Pedro Cevallos to George W. Erving, Minister Plenipotentiary of the United States. October 17, 1816.

SIR,—Having communicated to the king your note of the 26th ult., on the subject of the seizure of several American vessels in the port of Carthagena, (S. A.) in consequence of the blockade established on those coasts by general Morillo, and your demand of their restitution, his majesty has been pleased to determine that information shall be requested (*se pida informe*) of the court of admiralty on this business. I renew to you the assurances, &c.

PEDRO CEVALLOS.

Extracts of a Letter from Mr. Erving, to the Secretary of State, dated Madrid, December 15, 1816.

“I HAD the honour, by my letter No. 23, (of October 27,) to communicate to you the continuation of my correspondence with Mr. Cevallos on various subjects, and

by that of October 31st, (No. 24,) to inform you that he had been dismissed from his employments, and succeeded in them by Don José Pizarro.

“I herewith submit to you copies of my correspondence with this new minister.”

“He has not replied to my note of 25th October, respecting Morillo’s blockade proclamation.”

Don Luis de Onís to the Secretary of State. Philadelphia, October 26, 1816.

SIR,—His excellency, the viceroy of the kingdom of New Grenada, communicates to me, under date of the 2d of September last, that tranquillity being restored throughout the whole kingdom of Santa Fé, and all its provinces having submitted to his majesty’s government, the commander in chief, Don Pablo Morillo, has thought fit to raise the blockade which he had established on those coasts, the causes having ceased which obliged him to impose it; and that in consequence of this determination, the beforementioned viceroy has been pleased to open the provinces of that kingdom, and particularly the port of Carthagena, to the commerce of the powers in amity with his majesty, under the regulations specified in the printed papers, which I have the honour to transmit herewith.

I hope, sir, that you will be pleased to bring this to the knowledge of the President, that he may see the disposition of his majesty to favour the commerce of this republic in every thing that may be compatible with the security of his dominions, and that comports with his interests. I renew my respects, &c.

LUIS DE ONIS.

Extract of a Letter from Mr. Erving to the Secretary of State, dated Madrid, March 10, 1817.

(PROCLAMATION OF MORILLO.)

“ON this affair I wrote on the 26th September, 1816, and was answered October 17th, that an “*informe*” should be taken of the admiraltazgo, I wrote again on the 25th October, and remain without any answer.”

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS, RELATIVE TO BRITISH DUTIES ON IRON IN BARS AND BOLTS. FEB. 12, 1818.

I LAY before the House of Representatives copies of two communications received at the department of State, from the minister of Great Britain, and submit to their consideration the propriety of making such legislative provisions as may be necessary for a compliance with the representations contained in them.

By the express terms of that compact, it was, when ratified by the two governments, to be in force for the term of four years *from the day of its signature*. The revocation of all the discriminating duties, became therefore, the obligation of both governments *from that day*, and it is conceived that every individual who has been required to pay, and has paid, any of the extra duties revoked by the convention, has a just and lawful claim upon the respective governments for its return. From various accidents, it has happened, that both here and in Great Britain, the cessation of the extra duties has been fixed to commence at different times. It is desirable that Congress should pass an act providing for the return of *all* the extra duties *incompatible with the terms of the convention* which have been levied upon British vessels or merchandise after the 3d of July, 1815. The British parliament have already set the example of fixing that day for the cessation of the extra duties of export, by their act of 30th of June last, and the minister of the United States in London, is instructed to require the extension of the same principle to *all* the extra duties levied on vessels and merchandise of the United States, in the ports of Great Britain since that day. It is not doubted that the British government will comply with this requisition, and that the act suggested may be passed by Congress with full confidence that the reciprocal measure will receive the sanction of the British parliament.

JAMES MONROE.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary, to Mr. Monroe, Secretary of State. Washington, November 18, 1816.

SIR,—I have the honour to call your attention to one of

the provisions of an act of the United States' Congress, passed on the 27th of April last, entitled "An act to regulate the duties on import and tonnage," which appears to have originated in some misapprehension of the real nature of one of the principal manufactories of Great Britain, and which has had an operation, not only very prejudicial to the British manufacturer, but contrary, as it should seem, to the spirit and intent of the 2d article of the commercial treaty.

By the 2d article of the commercial treaty between Great Britain and the United States, it is stipulated "that no higher duties shall be imposed on the importation of any articles, the growth, produce, or manufacture of his Britannick majesty's territories in Europe, than are, or shall be, payable on the like articles, being the growth, produce, or manufacture of any other foreign countries."

By the act of the United States to which I have referred, it is, among other things, enacted in the 6th section, that upon importation into the United States, iron in bars and bolts, except iron manufactured by rolling, shall pay a duty of 45 cents per cwt.; and that in bars and bolts, when manufactured by rolling, and anchors, it shall pay a duty of 150 cents per cwt.

It was probably not known that the bar and bolt iron, manufactured in Great Britain is, in the last process, rolled; whereas, the same article, both in Sweden and in Russia, instead of being rolled, is, in the same process, hammered; but when the iron is manufactured into bar or bolt, whether by rolling or hammering, it is in precisely the *same* process of manufacture, and is, in every-respect, applicable to the same purposes of use, and ulterior manufacture, and consequently is, to all intents, a "like article." But by the inequality of the duties which have been imposed, it seems to have been imagined, that rolled bar and bolt iron is in a stage of manufacture beyond that of hammered iron, and you will observe, that this supposition is strengthened by the circumstance of its being classed with anchors, which are in a state of complete and finished manufacture, and are worth 35*l.* per ton in the British market, whilst bar and bolt iron is only worth 11*l.* per ton.

It is to be assumed, that whenever duties are imposed on any foreign article in a graduated scale proportioned to its manufactured state, it is intended that the duty should be regulated by that state alone, and not by the process by which it is brought to that state. Iron in a certain

state of manufacture is to be charged with a certain duty—the means of bringing it to that state, whether by hammering or rolling, is not to be had in consideration; for if it were, the effect would be to force each nation to use exactly the same process, and, what certainly never could have been intended, to check and punish the application of ingenuity and improvement.

Considering, therefore, that the bar and bolt iron manufactured in Great Britain, is, according to the true spirit and intent of the 2d article of the treaty of commerce, in every respect, a “like article” with that manufactured in Sweden and Russia, it is hoped that such measures will be taken by the government of the United States, as will allow of its admission to importation at the same rate of duty, and will place the British manufacturer in that state of equality, in respect to foreign nations, as may accord with the undoubted intention of the late treaty of commerce between the two countries. I have the honour to be, &c.

CHARLES BAGOT.

Mr. Bagot, Envoy Extraordinary and Minister Plenipotentiary, to Mr. Adams, Secretary of State. Washington, December 8, 1817.

SIR,—In my letter to the Secretary of the department of State, of the 9th of July, 1816, I had the honour to point out the difference of the periods at which effect had been given in the two countries, to the convention of the 3d of July, 1815, and to request that all discriminating duties of a nature similar to those described in his royal highness the Prince Regent's order in council, of the 17th of August, 1815, which might have been levied between the date of that order, and the 22d of the following December, upon goods imported into the United States in British built ships might be refunded.

No mention having been made in his royal highness's order in council of alien tonnage duties, they were not adverted to in the application which I had then the honour to make; but as it was known that they had in fact been remitted by Great Britain, the American legislature, in strict observance of the spirit and intention of the convention, included them in the act passed on the 3d of last March, authorizing the Secretary of the Treasury to cause repayments to be made of certain alien duties. By this act, however, it was only provided that the alien tonnage duties levied upon British ships in American ports, sub-

sequently to the 17th of August, 1815, should be refunded, whereas, the same duties levied upon American ships in British ports, were remitted from the date of the signature of the convention.

In order, therefore, that his majesty's subjects may partake of the full benefit of the reciprocity intended by the convention, I have the honour to request, that remission may also be made of the amount of the alien tonnage duties which may have been levied upon British ships in the ports of the United States, between the 3d of July and the 17th of August, 1815. I have the honour to be, &c.

CHARLES BAGOT.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO CONGRESS, RELATIVE TO THE FOURTH ARTICLE OF THE TREATY OF GHENT. FEB. 25, 1818.

THE commissioners of the two governments, under the fourth article of the treaty of Ghent, having come to a decision upon the question submitted to them, I lay before Congress copies of that decision, together with copies of the declaration signed and reported by the commissioners to this government.

JAMES MONROE.

Declaration of the Commissioners under the Fourth Article of the Treaty of Ghent. New York, Nov. 24, 1817.

SIR,—The undersigned commissioners, appointed by virtue of the fourth article of the treaty of Ghent, have attended to the duties assigned them, and have decided that Moose Island, Dudley Island, and Frederick Island, in the bay of Passamaquoddy, which is part of the bay of Fundy, do each of them belong to the United States of America, and that all the other islands in the bay of Passamaquoddy, and the island of Grand Menan in the bay of Fundy, do each of them belong to his Britannick majesty, in conformity with the true intent of the second article of the treaty of peace of 1783.

The commissioners have the honour to enclose herewith their decision.

In making this decision, it became necessary that each of the commissioners should yield a part of his individual opinion; several reasons induced them to adopt this measure, one of which was the impression and belief that the

navigable waters of the bay of Passamaquoddy, which, by the treaty of Ghent, is said to be part of the bay of Fundy, are common to both parties for the purpose of all lawful and direct communication with their own territories and foreign ports. The undersigned have the honour to be, &c.

JOHN HOLMES,

The Hon. J. Q. Adams, &c.

THOMAS BARCLAY.

Decision of the Commissioners under the Fourth Article of the Treaty of Ghent.

By Thomas Barclay and John Holmes, Esquires, commissioners appointed by virtue of the 4th article of the treaty of peace and amity between his Britannick majesty and the United States of America, concluded at Ghent, on the 24th day of December, 1814, to decide to which of the two contracting parties to the said treaty, the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, do respectively belong, in conformity with the true intent of the 2d article of the treaty of peace of 1783, between his said Britannick majesty and the aforesaid United States of America: We, the said Thomas Barclay and John Holmes, commissioners as aforesaid, having been duly sworn, impartially to examine and decide upon the said claims, according to such evidence as should be laid before us, on the part of his Britannick majesty and the United States, respectively, have decided, and do decide, that Moose Island, Dudley Island, and Frederick Island, in the bay of Passamaquoddy, which is part of the bay of Fundy, do, and each of them does belong, to the United States of America; and we have also decided, and do decide, that all the other islands, and each and every of them in the said bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan, in the said bay of Fundy, do belong to his said Britannick majesty in conformity with the true intent of the said 2d article of said treaty of 1783.

In faith and testimony whereof, we have set our hands and affixed our seals, at the city of New York, in the state of New York, in the United States of America, this 24th day of November, in the year of our Lord, 1817.

THOMAS BARCLAY, [L. s.]
JOHN HOLMES, [L. s.]

Witness, JAMES T. AUSTIN, (Agent of the U. States.)
ANTHONY BARCLAY.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
HOUSE OF REPRESENTATIVES, RELATIVE TO CLAIM ON
NAPLES. FEB. 28, 1818.

I LAY before the House, a report from the Secretary of State, together with the papers relating to claims of merchants of the United States upon the government of Naples, in conformity with a resolution of the House of the 30th of January last.

JAMES MONROE.

Department of State, Feb. 27, 1818.

THE Secretary of State, to whom has been referred the resolution of the House of Representatives of the 30th of January last, requesting such information, possessed by the Executive, as may be communicated without injury to the publick interest, relative to the claims of merchants of the United States for their property seized and confiscated under the authority of the king of Naples, has the honour of submitting to the President the papers in the possession of this department, concerning that subject.

JOHN QUINCY ADAMS.

Extracts of a Letter from Mr. Monroe, Secretary of State, to Mr. Pinkney, Special Minister to Naples, dated Department of State, May 11, 1816.

“BEING appointed by the President, with the advice and consent of the Senate, envoy extraordinary and minister plenipotentiary to the emperor of Russia, and in a similar trust, to the king of Naples, the duties of the latter mission which is special, will engage your attention in the first instance. The Washington, a ship of the line, is ordered into the Chesapeake, to receive on board, and to convey you and your family to Naples. You will be furnished with the usual commission and letter of credence to the king.

“A principal object of your mission to Naples is, to obtain indemnity for the losses which our citizens sustained by the illegal seizure and confiscation of their property by the Neapolitan government. You will be furnished with such evidence in support of the claim, as is in possession of this department, and as notice has been given to the collectors in the principal cities, of your

appointment and its object, that it might be communicated to the parties interested, it is expected that you will receive much further light on the subject directly from them.

“The President does not entertain a doubt of the right of the United States, to a full indemnity for these losses. They were inflicted by the then government of the country without the slightest cause. The commerce of the United States was invited into the Neapolitan ports by special decrees, with the promise of protection and encouragement, on the faith of which, many ships having entered with valuable cargoes, the whole amount was seized by the government itself and converted to publick use. For this very extraordinary and unlawful act, no plea has been urged that we have heard of, except that of necessity, which is no argument against indemnity. The injury being inflicted by a government in full possession of the sovereignty of the country, exercising all its powers, recognized by the nation and by foreign powers, by treaties and by other formal acts of the highest authority, it is not perceived on what ground an indemnity can be refused. No principle is better established, than that the nation is responsible for the acts of its government, and that a change in the authority does not affect the obligation. In the disordered state of that country for several years past, it has been thought useless to press this claim, but now that affairs appear to be better settled, it would be improper longer to delay it. The President indulges a strong hope, that reparation will now be made. In the discharge of this trust in the manner of the negotiation, and in the provision for the debt, should such be made, you will manifest a spirit of conciliation towards the government of Naples. Any reasonable accommodation as to the time and the mode of payment which may be desired, will be cheerfully allowed.

“As you will be well acquainted with the nature of these claims, and the right of the United States to an indemnity; with the principles on which it is founded, and the arguments and facts which support it, it is unnecessary for me to enter further into the subject. The President has full confidence that nothing will be wanting on your part to secure success to the mission. Satisfied that you will discharge its duties with equal ability and discretion, it is thought improper by too much precision, to impose any restraint on your judgment, either as to the manner or the argument to be used in the negotiation.”

“Your mission to Naples being special, its object limited, and being likewise anticipated by the Neapolitan government, it is expected that it may be concluded in a few interviews. It is very important that the United States should be represented at St. Petersburg, by a minister of the highest grade employed by them without any delay which can be avoided. The President desires, therefore, that you will use every effort in your power to terminate the business with Naples as soon as it may be possible, and that you will proceed thence, immediately afterwards, to St. Petersburg.”

Extracts of a Letter from Mr. Pinkney, Minister at Naples, to Mr. Monroe, Secretary of State, dated Naples, August 29, 1816.

“On Saturday the 27th, I prepared an official note to the Marquis di Circello, announcing my quality of envoy extraordinary to the king.”

“His answer, (appointing Wednesday the 31st for our interview,) was sent immediately.”

“My reception on the 31st was extremely friendly, and in the highest degree respectful to the government of the United States. The regular purpose of my visit was to show my credentials, furnish a copy, and arrange the customary audience. I did not therefore suppose that it presented a suitable opportunity for introducing a very detailed explanation of the objects of my mission; but, in conformity with a desire expressed by the Marquis himself, I stated them to him as fully as was necessary to enable him to communicate them to the king.”

“Although the Marquis di Circello was, (as you know,) for several years the minister of this court in London, he does not speak a word of English, and does not understand it when it is spoken by others. Our conversation was, therefore, in French. Amidst a good deal of well managed discourse on his part, which rather related to me than to my mission, he made several observations which had a bearing upon my principal errand. He spoke of the poverty of their publick treasury in terms somewhat more strong than I was prepared to expect; of the unprincipled manner in which Monsieur Murat, (as he styled him,) appropriated to his own use whatever of value he could lay his hands upon, and in particular, the vessels and merchandise belonging to our citizens; of the prodigality with

which he dried up all the usual resources of the country, and dissipated, moreover, all the means which rapacity afforded. He drew no very precise conclusion from those and similar remarks, although I took such notice of them as their tendency prescribed, but upon the whole it was evident that the claim which I was charged to make in behalf of our merchants, was not likely to be very readily admitted, and that I should only waste my time by talking over its merits from day to day, with a minister who could of himself decide nothing, and whose report of my statements and arguments, to those who must make or greatly influence the final decision, would not be the most advantageous channel by which they might be communicated. In consequence, before the interview was closed, I determined to prefer the claim as soon as possible in an official note, and in the mean time to forbear to urge it in conversation, with any other view than to obtain from the Marquis di Circello, such intimations as might be useful to me in the preparation of my paper."

"On Sunday the 11th, I had another interview with the Marquis di Circello, to which Mr. King accompanied me."

"I then adverted to the *principal object of my mission*, and intimated that I should very soon send him a note upon it. To my surprise, he professed not to understand to what I alluded, as the *principal object of my mission*; but, when I mentioned the spoliations by Murat, he seemed suddenly to remember that I had at least talked to him of them; before, and immediately, without giving me time to proceed, remarked that he would relate to me frankly all that the present government had been able to discover respecting them. He said that Murat's conduct in that affair appeared to be so bad that nothing could be worse, and that it amounted to a downright robbery; that it appeared that the proceeds of the sales had been ordered by Murat into the publick treasury, but that a few months afterwards he took them out again, and they knew not what he had done with them. To all this I thought it sufficient to answer, that whatever might have become of these proceeds, I hoped the king would cause our merchants to be indemnified for the loss of them; but that I had no desire at this interview to do more than inform the marquis di Circello that I believed it would be as well to present the whole of that subject to him without delay in a note, to which I

flattered myself I should have such a reply in writing as would be satisfactory to my government. Without either admitting or denying the responsibility of his government, he said that such a course would be acceptable to him, and proper in itself; and that his answer should not be unnecessarily postponed. His manner, while this topick was under notice, was kind, and even good humoured; although he could not, perhaps did not wish to disguise that it was by no means a pleasant one."

"On the 28th instant, yesterday morning, I sent in my note upon Murat's confiscations. The necessity of making some previous inquiries here, upon matters connected with them, had a little retarded the completion of the note, and after it was ready, I concluded that I should lose nothing by withholding it for a few days, especially as the marquis di Circello was incapable of attending to business, and had so informed me.

"What will be the answer to the note, it is impossible to conjecture with any thing like certainty. It may be such as to make it necessary for me to reply to it; but the President may be assured that my further stay in Naples shall be as short as I can make it."

Mr. Pinkney to the Marquis di Circello. Naples, August 24, 1816.

THE undersigned, envoy extraordinary of the United States of America, has already had the honour to mention to his excellency the marquis di Circello, secretary of state and minister for foreign affairs of his majesty the king of the two Sicilies, the principal objects of his mission; and he now invites his excellency's attention to a more detailed and formal exposition of one of those objects.

The undersigned is sure that the appeal, which he is about to make to the well known justice of his Sicilian majesty, in the name and by the orders of his government, will receive a deliberate and candid consideration; and that, if it shall appear, as he trusts it will, to be recommended by those principles which it is the interest as well as the duty of all governments to observe and maintain, the claim involved in it will be admitted, effectually and promptly.

The undersigned did but obey the instructions of the President of the United States, when he assured his excellency the marquis di Circello, at their first interview, that

his mission was suggested by such sentiments towards his Sicilian majesty as could not fail to be approved by him. Those sentiments are apparent in the desire which the President has manifested, through the undersigned, that the commercial relations between the territories of his majesty and those of the United States should be cherished by reciprocal arrangements, sought in the spirit of enlightened friendship, and with a sincere view to such equal advantages, as it is fit for nations to derive from one another. The representations which the undersigned is commanded to make upon the subject of the present note, will be seen by his majesty in the same light. They show the firm reliance of the President upon the disposition of the court of Naples impartially to discuss and ascertain, and faithfully to discharge its obligations towards foreign states and their citizens; a reliance which the undersigned partakes with his government; and under the influence of which, he proceeds to state the nature and grounds of the reclamation in question.

It cannot but be known to his excellency the marquis di Circello, that, on the 1st of July, 1809, the minister for foreign affairs of the then government of Naples, addressed to Frederick Degan, Esq. then consul of the United States, an official letter, containing an invitation to all American vessels, having on board the usual certificates of origin and other regular papers, to come direct to Naples with their cargoes; and that the same minister caused that invitation to be published in every possible mode, in order that it might come to the knowledge of those whom it concerned. It will not be questioned that the promise of security necessarily implied in this measure had every title, in the actual circumstances of Europe, to the confidence of distant and peaceful merchants. The merchants of America, as was to have been expected *did* confide. Upon the credit and under the protection of that promise, they sent to Naples many valuable vessels and cargoes, navigated and documented with scrupulous regularity, and in no respect obnoxious to molestation; but scarcely had they reached the destination to which they had been allured, when they were seized, without distinction as prize or as otherwise forfeited to the Neapolitan government, upon pretexts the most frivolous and idle. These arbitrary seizures, were followed, with a rapacious haste, by summary decrees, confiscating in the name and for the

use of the same government, the whole of the property which had thus been brought within its grasp; and these decrees, which wanted even the decent affectation of justice, were immediately carried into execution, against all the remonstrances of those whom they oppressed, to enrich the treasury of the state.

The undersigned, persuades himself, that it is not in a note addressed to the marquis di Circello, that it is necessary to enlarge upon the singularly atrocious character of this procedure, for which no apology can be devised, and for which none that is intelligible has hitherto been attempted. It was, indeed, an undisguised abuse of power, of which nothing could well enhance the deformity, but the studied deception that preceded and prepared it; a deception which, by a sort of treason against society, converted a proffer of hospitality into a snare, and that salutary confidence, without which, nations and men must cease to have intercourse, into an engine of plunder.

The right of the innocent victims, of this unequalled act of fraud and rapine, to demand retribution, cannot be doubted. The only question is, from whom are they entitled to demand it? Those, who at that moment ruled in Naples, and were in fact and in the view of the world, the government of Naples, have passed away before retribution could be obtained, although not before it was required; and, if the right to retribution regards only the persons of those rulers as private and ordinary wrongdoers, the American merchant, whom they deluded and despoiled in the garb and with the instruments and for the purposes of sovereignty, must despair for ever of redress.

The undersigned presumes, that such is not the view which the present government will feel itself justified in taking of this interesting subject; he trusts that it will, on the contrary, perceive that the claim, which the injured merchant was authorized to prefer against the government of this country before the recent change, and which, but for that change, must sooner or later have been successful, is now a valid claim against the government of the same country, notwithstanding that change. At least, the undersigned is not at present aware of any considerations which, applied to the facts that characterize this case, can lead to a different conclusion; and certainly it would be matter for sincere regret, that any considerations should be thought sufficient to make the return of his Sicilian

majesty's power fatal to the rights of friendly strangers, to whom no fault can be ascribed.

The general principle that a civil society may contract obligations through its actual government, whatever that may be, and that it is not absolved from them by reason simply of a change of government or of rulers, is universally received as incontrovertible. It is admitted, not merely by writers on public law, as a speculative truth, but by states and statesmen, as a practical rule; and, accordingly, history is full of examples to prove, that the undisturbed possessor of sovereign power in any society, whether a rightful possessor or not, with reference to other claimants of that power, may not only be the lawful object of allegiance, but by many of his acts, in his quality of sovereign *de facto*, may bind the society, and those who come after him as rulers, although their title be adverse to, or even better than his own. The marquis di Circello does not need to be informed, that the earlier annals of England in particular, abound in instructions upon this head.

With regard to just and beneficial contracts, entered into by such a sovereign with the merchants of foreign nations, or (which is the same thing,) with regard to the detention and confiscation of their property, for public uses, and by his authority, in direct violation of a pledge of safety, upon the faith of which, that property arrived within the reach of confiscation, this continuing responsibility stands upon the plainest foundations of natural equity.

It will not be pretended, that a merchant is called upon to investigate, as he prosecutes his traffick, the title of every sovereign, with whose ports, and under the guarantee of whose plighted word, he trades. He is rarely competent. There are few in any station who are competent to an investigation so full of delicacy, so perplexed with facts and principles of a peculiar character, far removed from the common concerns of life. His predicament would be to the last degree calamitous, if in an honest search after commercial profit, he might not take governments as he finds them, and consequently rely at all times upon the visible exclusive acknowledged possession of supreme authority. If he sees all the usual indications of established rule; all the distinguishing concomitants of real undisputed power, it cannot be that he is at his peril

to discuss mysterious theories above his capacity or foreign to his pursuits, and moreover, to connect the results of those speculations with events of which his knowledge is either imperfect or erroneous. If he sees the obedience of the people, and the acquiescence of neighbouring princes, it is impossible that it can be his duty to examine, before he ships his merchandise, whether it be fit that these should acquiesce or those obey. If, in short, he finds nothing to interfere with or qualify the dominion which the head of the society exercises, over it and the domain which it occupies, it is the dictate of reason, sanctioned by all experience, that he is bound to look no farther.

It can be of no importance to him that, notwithstanding all these appearances announcing lawful rule, the mere right to fill the throne is claimed by, or even resides in, another than the actual occupant. The latent right (supposing it to exist) disjoined from and controverted by the fact, is to him nothing while it continues to be latent. It is only the sovereign in possession that it is in his power to know. It is with him only that he can enter into engagements. It is through him only that he can deal with the society. And if it be true, that the sovereign in possession is incapable, on account of a conflict of title between him and another, who barely claims, but makes no effort to assert his claim, of pledging the publick faith of the society and of the monarch to foreign traders, for commercial and other objects, we are driven to the monstrous conclusion, that the society is, in effect and indefinitely, cut off from all communication with the rest of the world. It has, and can have, no organ by which it can become accountable to, or make any contract with foreigners, by which needful supplies may be invited into its harbours, by which famine may be averted, or redundant productions be made to find a market in the wants of strangers. It is, in a word, an outcast from the bosom of the great community of nations, at the very moment too, when its existence, in the form which it has assumed, may every where be admitted. And, even if the dormant claim to the throne should, at last, by a fortunate coincidence of circumstances, become triumphant, and unite itself to the possession, this harsh and palsyng theory has no assurance to give, either to the society or to those who may incline to deal with it, that its moral capacity is restored,

that it is an outcast no longer, and that it may now, through the protecting will of its new sovereign, do what it could not do before. It contains, of course, no adequate and certain provision against even the perpetuity of the dilemma which it creates. If, therefore, a civil society is not competent, by rules in entire possession of the sovereignty, to enter into all such promises to the members of other societies as necessity or convenience may require, and to remain unanswerable for the breach of them, into whatsoever shape the society may ultimately be cast, or into whatsoever hands the government may ultimately fall; if a sovereign, entirely in possession, is not able, for that reason alone, to incur a just responsibility, in his political or corporate character, to the citizens of other countries, and to transmit that responsibility, even to those who succeed him by displacing him, it will be difficult to show that the moral capacity of a civil society is any thing but a name, or the responsibility of sovereigns any thing but a shadow. And here the undersigned will take the liberty to suggest, that it is scarcely for the interest of sovereigns to inculcate as a maxim, that their lost dominions can only be recovered at the expense of the unoffending citizen of states in amity, or, which is equivalent to it, to make that recovery the practical consummation of intermediate injustice, by utterly extinguishing the hope of indemnity and even the title to demand it.

The undersigned will now, for the sake of perspicuity and precision, recall to the recollection of his excellency the marquis di Circello, the situation of the government of Murat at the epoch of the confiscations in question. Whatever might be the origin or foundation of that government, it had for some time been *established*. It had obtained such obedience as in such times was customary, and had manifested itself, not only by active internal exertions of legislative and executive powers, but by important external transactions with old and indisputably regular governments. It had been (as long afterwards it continued to be) recognised by the greatest potentates, as one of the European family of states, and had interchanged with them ambassadors, and other publick ministers and consuls. And Great Britain, by an order in council of the 26th of April, 1809, which modified the system of constructive blockade, promulgated by the orders of November, 1807, had excepted the Neapolitan territories, with other por-

tions of Italy, from the operation of that system, that neutrals might no longer be prevented from trading with them.

Such was the state of things when American vessels were tempted into Naples, by a reliance upon the passports of its government, to which perfidy had lent more than ordinary solemnity, upon a declaration as explicit, as it was formal and notorious, that they might come without fear, and might depart in peace. It was under these circumstances, that, instead of being permitted to retire with their lawful gains, both they and their cargoes were seized and appropriated in a manner already related. The undersigned may consequently assume, that if ever there was a claim to compensation for broken faith, which survived the political power of those, whose iniquity produced it, and devolved in full force upon their successors, the present claim is of that description.

As to the demand itself, as it existed against the government of Murat, the marquis di Circello will undoubtedly be the first to concede, not only that it is above reproach, but that it rests upon grounds in which the civilized world has a deep and lasting interest. And with regard to the liability of the present government as standing in the place of the former, it may be taken as a corollary from that concession; at least until it has been shown, that it is the natural fate of obligations, so high and sacred, contracted by a government in the full and tranquil enjoyment of power, to perish with the first revolution, either in form or rulers through which it may happen to pass; or (to state the same proposition in different terms) that it is the natural operation of a political revolution in a state, to strip unfortunate traders, who have been betrayed and plundered by the former sovereign, of all that *his* rapacity could not reach—the right of reclamation.

The wrong which the government of Murat inflicted upon American citizens, wanted nothing that might give to it atrocity, or effect, as a robbery introduced by treachery; but, however pernicious or execrable, it was still reparable. It left in the sufferers and their nation a right, which was not likely to be forgotten or abandoned, of seeking and obtaining ample redress, not from *Murat* simply, (who individually was lost in the sovereign, but from the government of the country, whose power he abused. By what course of argument can it be proved,

that this incontestable right, from which that government could never have escaped, has been destroyed by the reaccession of his Sicilian majesty, after a long interval, to the sovereignty of the same territories ?

That such a result cannot in any degree be inferred from the misconduct of the American claimants, is certain ; for no misconduct is imputable to them. They were warranted in every view of the publick law of Europe, in holding commercial communication with Naples in the predicament in which they found it, and in trusting to the direct and authentick assurances, which the government of the place effected to throw over them as a shield against every danger. Their shipments were strictly within the terms of those assurances ; and nothing was done, by the shippers or their agents, by which the benefit of them might be lost or impaired.

From what other source can such a result be drawn ? Will it be said that the proceeds of these confiscations were not applied to publick purposes during the sovereignty of Murat, or that they produced no publick advantages, with reference to which the present government ought to be liable ? The answer to such a suggestion is, that let the fact be as it may, it can have no influence upon the subject. It is enough that the confiscations themselves, and the promise of safety which they violated, were acts of state, proceeding from him who was then, and for several successive years, the sovereign. The derivative liability of the present government reposes, not upon the good, either publick or private, which may have been the fruit of such a revolting exhibition of power, emancipated from all the restraints of principle, but upon the general foundations, which the undersigned has already had the honour to expose.

To follow the proceeds of these spoliations into the publick treasury, and thence to all the uses to which they were finally made subservient, can be no part of the duty of the American claimant. It is a task which he has no means of performing, and which, if performed by others, could neither strengthen his case nor enfeeble it. And it may confidently be insisted, not only that he has no concern with the particular application of these proceeds, but that, even if he had, he would be authorized to rely upon the presumption, that they were applied as publick money to publick ends, or left in the publick coffers. It must be

remembered, moreover, that whatever may have been the destiny of these unhallowed spoils, they cannot well have failed to be instrumental in meliorating the condition of the country. They afforded extraordinary pecuniary means, which, as far as they extended, must have saved it from an augmentation of its burdens ; or by relieving the ordinary revenue, made that revenue adequate to various improvements, either of use or beauty, which otherwise it could not have accomplished. The territories, therefore, under the sway of Murat, must be supposed to have returned to his Sicilian majesty less exhausted, more embellished, and more prosperous, than if the property of American citizens had not in the mean time been sacrificed to cupidity and cunning. It must farther be remembered, that a part of that property was notoriously devoted to the publick service. Some of the vessels seized by the orders of Murat, were, on account of their excellent construction, converted into vessels of war, and as such commissioned by the government ; and the undersigned is informed that they are now in the possession of the officers of his Sicilian majesty, and used and claimed as belonging to him.

The undersigned, having thus briefly explained to the marquis di Circello the nature of the claim, which the government of the United States has commanded him to submit to the reflection of the government of his Sicilian majesty, forbears at present to multiply arguments in support of it. He feels assured that the equitable disposition of his majesty renders superfluous the further illustrations of which it is susceptible.

The undersigned has the honour to renew to his excellency the marquis di Circello the assurances of his distinguished consideration.

WILLIAM PINKNEY.

Mr. Pinkney to Mr. Monroe. Naples, Sept. 28, 1816.

SIR,—My exertions have not yet been sufficient (although they have been unremitting) to obtain an answer to my note of the 24th of August ; and the season is so far advanced, that I fear I have only another week for further exertions. If I do not set out for Russia without delay, I shall subject myself to the hazard of being confined to Italy by rains and bad roads during a great part of the winter. It is my determination, therefore, to press immediately and finally for a categorical reply to my note,

although I am persuaded that the marquis is in no situation to give it. He must either reply at once or show why he cannot.

It has been mentioned to me by those in whom I have confidence, that this government has been extremely perplexed by the demand contained in my note, and has had it under constant and anxious consideration ; that, fearing after much consultation to take the ground (suggested for it, as I think, in America,) of irresponsibility for such acts of Murat's government, as my note set forth, it has been and still is searching for information as to *facts* ; that diligent inquiry, for example, has been made, and is yet making, for the original papers of the different vessels and cargoes, for which we require compensation, or for such evidence as might supply their place ; and that it is probable that in the end an attempt will be made to encounter at least a part of our demand with proof (good or bad) that our case is not altogether such as we suppose it to be *in its circumstances*.

I am told their search after the papers of the vessels and cargoes is not likely to be very successful ; very few, perhaps none, remain ; and it is not easy to conjecture what satisfactory or even plausible substitutes they can procure.

I wrote yesterday a private letter to the marquis di Circello, urging a prompt answer to my note, and desiring that he would tell me, with a view to preparations for my departure, (which of course he knew I could not much longer postpone,) when I might count upon receiving it ; but I now think it necessary to demand an interview, with the same object, to take place either to-day or to-morrow. I have the honour to be, &c.

WILLIAM PINKNEY.

Extracts of a Letter from Mr. Pinkney, Special Minister of the United States at Naples, to Mr. Monroe, Secretary of State, dated Naples, October 5, 1816.

“ ON Sunday the 29th of last month, I had an interview with the marquis di Circello, in pursuance of the intention announced in my last. I pressed him for his promised answer to my note of the 24th of August, and insisted that if he could not reply to it immediately, he would name the time within which it was probable he could do so. He said that an immediate answer was

really impossible, and that he could not, without running the risk of misleading me, fix any precise time for the giving of such an answer as should be categorical. I asked the reason of this. He observed that the papers relative to the vessels and cargoes for which we now demanded an equivalent, had in Murat's time been scattered about in such a way, that with all the diligence they could use they had not yet been able to collect them, or such information as might stand in their place; that all proper steps had been taken by the king's government for obtaining these papers, and whatever else was connected with, and material to our claim, and that they hoped that they would soon be successful; that our claim, apparently of large amount, was made upon those who confessedly had no participation in the transactions upon which it was founded; that it was therefore manifest, they had all their knowledge of those transactions to gain, that they were sincerely desirous of understanding them thoroughly; that without all the knowledge of the circumstances of the case which could at this time, and by due inquiry, be recovered, the king could not decide, whether he was, or was not answerable to us, as we alleged; that a decision would undoubtedly be hastened and made known to me as soon as possible, and as he believed, within a period of time not by any means distant; but that I must perceive it was not in his power, without practising disingenuousness, to assure me, that this could be done in a few weeks. After some further conversation on this point, I told him that I feared, I should be obliged to leave Naples before his answer was prepared; and as he knew, that my ulterior destination was St. Petersburg, I informed him finally, that I had determined to set out for Russia on Saturday the 5th instant, (this day) unless by waiting a week or two more, I could be sure of adjusting the business of my mission. He replied with his characteristic good breeding, that they should be extremely sorry to lose me, and that they had hoped to have me with them for some time, but that, if my duty elsewhere called me away, he would undertake to send the answer to my note, the moment it could be given, wherever I would indicate; that there was no probability that, if I left Naples as soon as I spoke of, or even a week or two later, I should receive the answer here, but that if it could be given so promptly it should. I rejoined that I doubted

if, without instructions, it would be well for me to receive the answer after I had left the king's court and territories ; that I confidently trusted the answer would admit our claim, (though we had no desire to urge them inconveniently, as to the time, or mode of payment, or even to push our demand to its utmost extent) but that however little such a result was to be expected, the answer might contest our demand, or an important portion of it, in which case it was both my duty and inclination to reply to the answer, and to maintain, as I did not fear to be able to do, the grounds of fact and law upon which I had already relied ; and that this could not be done with advantage, nor perhaps with propriety, unless with the approbation of my government, after my departure for another station.

“ The marquis immediately expressed an opinion, that I might regularly receive the answer after I had left the Neapolitan dominions, and, in consequence of a question which I put to him in this stage of the conversation, (whether it might not be more in rule, to offer to deliver the answer to whom, and to where, the *government of the United States* should think fit ?) he said that he should have no objection to any course which I preferred, but that he thought it would be best, (*as being more respectful to me*) that he should undertake to send the answer as I should prescribe, especially as this course essentially included the other. It would have been impossible for me to dispute an opinion referred to so civil a motive, even if the matter had been worth disputing.

“ I did not think, however, that it was worth more words than had been bestowed upon it, and I therefore left the marquis to take his own way upon it, reserving to myself the power of taking mine in due season.

“ In the whole of this conversation, (of which I have very shortly stated the import,) not a word was dropped by the marquis condemning our claim, or intimating that it was likely to be rejected, although much of what I said, was calculated to provoke him to do so. But again, he said nothing which amounted to an admission that the claim would be acknowledged.

“ Before I went away, I requested, (and he promised) that he would write me a note, expressing briefly what had passed between us ; and in the evening of the same day, I received from him a paper, of which a copy is

among the enclosures, written and sent in consequence of that request; but on examining that paper, I found it referred to my unofficial letter, mentioned in my last, and not to our interview, and moreover it was dated the 27th of September, (perhaps a mistake for the 29th, or possibly my mistake of his figures) which was antecedent to the interview. I took for granted, however, that the marquis had understood me to wish that this mode should be adopted, and, as it was of no importance, I did not put him, as at first I thought of doing, to the trouble of changing it. I therefore founded upon it the three notes, (bearing date two of them the 30th of September, and the other the 1st of October) of which copies are enclosed. On the 2d instant, I received the marquis's answer to my note of the 30th of September, which desired an audience of the king; and I took leave accordingly on Friday the 4th instant, one of the days referred by the marquis's note to my choice, as you will perceive by the copy of it herewith transmitted. The king was polite and kind, and conversed for some time with me on this occasion, but nothing was said by him which had any relation to the objects of my mission."

"Having received my passports, my intention is to commence my journey for St. Petersburg, in a very few days. Mr. King left me for Russia, about a fortnight ago, as my letter of the 18th September informed you he would, and the gentlemen attached to my legation have gone before me to Rome, where I hope to arrive on Thursday or Friday next.

"I beg your attention now, to a few words upon the course which I have pursued as envoy extraordinary to Naples, and upon the actual position, and prospects of the claim which produced it. My stay here has perhaps been a little longer than was anticipated when I sailed from America; but upon a careful examination of my instructions it appeared to me, that I was directed by them to make the attempt to obtain an acknowledgment of our claim upon this government, as full and complete as possible, without sacrificing to it, the interests of my mission to Russia. I have done this. As the claim was of great magnitude in a pecuniary sense, involved important principles, and turned upon facts into which those with whom I had to deal had a right to inquire, I could scarcely hope to bring it to an issue of any kind, within less than the

two months which have elapsed since my first reception here. With regard to my mission to Russia, I have yet made no sacrifice.

“Independently of the explanations which I have had from time to time, with the count Morenigo (the Russian minister here) with regard to my own anxiety in conformity with the order of my government, to be in St. Petersburg without delay, those who have experience of the road, assure me, that if I had started sooner, I should have been obliged to wait upon the route for the setting in of the frost, and that I should therefore have gained nothing.

“On the other hand, certainly, I could have no apology for protracting my stay in Naples beyond the time to which I have limited it. My instructions, which are precisely what they ought to be, would not justify it. By remaining here a few weeks more, I should postpone for several months, perhaps, my arrival in St. Petersburg, by losing the best season for quitting Italy.

“Of the manner in which my negotiation has been conducted, I have little to say. Avoiding extremes of every kind, I have sought to write and speak with politeness, but at the same time explicitly and firmly. My object has been to let the king and his ministers understand, that the claim *must* be settled, and to place it upon such ground as to convince them that we are in earnest, in considering them as our debtors. Without being studiously conciliatory, I have forborne all menaces.

“They have indeed treated me and my errand with so much respect, that it would have been difficult for me, even if it had been wise and honourable, to endeavour to force the claim upon them, by arrogance and harshness.

“I might indeed have contrived to display a more active and zealous importunity, than my letters will be found to describe ; but it could only have been that teasing importunity, which, wanting dignity, and unauthorized by usage, has nothing to recommend its introduction into transactions like this. No proper opportunity has, I think, been missed, to urge this government to a favourable decision. As to the footing upon which the claim now stands, and the value of its future prospects, it is obvious, that much has been gained. It has been presented (whether well or ill, I dare not judge.) It has been received in a becoming manner, and entertained for de-

liberation and inquiry. The way to adjustment has been prepared and smoothed. The great principle, on which the demand was rested by the government of the United States, is impliedly conceded, and, at any rate, has been greatly strengthened by the forbearance of this government, not only *in limine*, but even to the last moment of my mission, to deny it, with opportunity and every inducement to do so, constantly presented to it. It was to have been expected, and *was* expected, that the court of Naples would resist, at the threshold, a demand which directly, as well as implicitly, asserted its responsibility for the violences and frauds of Murat. It was its true policy to repel such a demand at once, (without reference to details) if it meant to contest at all the responsibility, upon which the claimants altogether depended, and which formed in truth the only dubious part of their case. It was prepared to take that course, (as I was well assured) upon my first arrival, yet it has not ventured to take it. On the contrary, it has avowedly busied itself, since the presentation of my note of the 24th of August, in efforts (which cannot be successful) to lay a foundation of *fact* for distinctions, that may give it a chance of escaping from our principle, which finally it declines to question.

“The reasons suggested by this government for a short postponement of its decision, are such, as I suppose, I could not have quarrelled with, without putting myself in the wrong. They are perfectly respectful to the United States, and of real weight in themselves. Their effect is to leave negotiation open, to give encouragement to resume it, and at the same time, that they impart new solidity to our claims, to render an acquiescence on our part in a brief adjournment of it, not only consistent with our honour, but a duty. In the mean time, the two governments are not brought to a disagreeable issue, as (if the claim had been rejected without ceremony, or even with all the ostentation of civility,) they might have been.”

“In not consenting to receive the answer of this government, after my departure from Naples, I was a good deal influenced by the apprehension, that they might possibly give me such an answer when absent, as they would not give me if present. I desired, moreover, to ensure to my government a just control over the subject, and to the claimants a clear stage for their own private exer-

tions. I thought that a more convenient resting point could scarcely be had, and that it would be better, that I should afford time to advise upon the case, to those who had more right than I had, to dispose of it in future, than that adhering to my mission after I had separated myself from those to whom I was accredited, I should risk the loss of every thing by the exercise of a very doubtful authority, under all sorts of disadvantages."

The Marquis di Circello to Mr. Pinkney. Naples, September 27, 1816.

THE marquis di Circello in reply to the private letter of his excellency Mr. Pinkney, in which he is pleased to remind him of his official note of the 24th of August last, has the honour to inform him, that notwithstanding the great anxiety of him, (the marquis di Circello,) to give the reply which he owes to the said note, he is not yet able to give it, since it must be the result of a reunion and accurate examination of all the information which the subject of that note requires, and for obtaining which, orders have been given. This may probably occupy several weeks more, and it is of course impossible for him yet to fix the epoch at which the said reply may be given as Mr. Pinkney desires. The writer, however, assures his excellency, that in case his situation should not permit him to wait for the said reply, he will make it his duty to forward it wheresoever he may indicate.

In the mean time he profits of this occasion to have the honour to confirm to his excellency, the assurances of his distinguished consideration.

IL MARCHESE DI CIRCELLO.

Mr. Pinkney to the Marquis di Circello. Naples, September 30, 1816.

THE undersigned, envoy extraordinary of the United States of America, had the honour to receive last night, the note of his excellency the marquis di Circello, bearing date the 27th instant, upon the subject of the note of the undersigned of the 24th of August.

The undersigned certainly regrets that the government of his Sicilian majesty has not been able already to honour him with a precise reply to that note; and he regrets still more, that on account of the difficulty of collecting the in-

formation supposed to be necessary to a correct decision upon the claim which it preferred, he cannot hope to have such a reply during the time to which he is obliged to limit his present stay in Naples.

He is perfectly sure, however, that the epoch is at hand, when his majesty's government will be possessed of this information, and when the justice of the claim of the government of the United States, in behalf of its injured citizens, will be fully perceived and distinctly acknowledged.

The undersigned, in answer to that part of the note of the marquis di Circello, which proposes to send a reply to the note of the undersigned of the 24th of August, where-soever the undersigned may indicate, has the honour to state to the marquis di Circello, that upon this point as well as upon all such ulterior steps as his mission and the subject of it may be calculated to produce, the undersigned will think it his duty to refer himself to his government which at the same time that it will give their due weight to the reasons which are now assigned for a short postponement of the claim in question, will take such measures as it shall think the case requires with regard to the future.

The undersigned takes this occasion to renew to his excellency, the marquis di Circello, the assurances of his distinguished consideration.

WM. PINKNEY.

Mr. Pinkney to the Marquis di Circello. Naples, September 30, 1816.

THE undersigned, envoy extraordinary of the United States of America, being about to leave the court of his majesty, the king of the two Sicilies, upon the business of his government, has the honour to request, that his excellency, the marquis di Circello, will have the goodness to inform him, at what time his majesty will honour him with an audience.

The undersigned avails himself of this opportunity, to renew to his excellency, the marquis di Circello, the assurances of his most distinguished consideration.

WM. PINKNEY.

Mr. Pinkney to the Marquis di Circello. Naples, October 1, 1816.

THE undersigned, envoy extraordinary of the United States of America, has the honour to request of his excel-

lency, the marquis di Circello, the usual passports for himself, his family and suite, and their baggage, &c.

It is his present intention, to go to St. Petersburg, by the way of Vienna; but it is possible that he may abandon that route in favour of the road through Berlin. He wishes to set out at the end of this week.

He begs his excellency, the marquis di Circello, to accept the renewed assurances of his distinguished consideration.

WILLIAM PINKNEY.

The Marquis di Circello to Mr. Pinkney. Naples, October 2, 1816.

THE undersigned, Secretary of State, and minister for foreign affairs, in reply to the official note of the 30th of last month, in which his excellency, Mr. Pinkney, envoy extraordinary of the United States of America, has requested an audience of his majesty, the king of the two Sicilies, hastens to inform him that his majesty will with pleasure receive him at the royal palace in Naples, either to-morrow or next day, (as may be most convenient to his excellency,) at half past eleven o'clock in the forenoon.

The undersigned renews to his excellency, &c.

IL MARCHESE DI CIRCELLO.

Mr. Pinkney, Envoy Extraordinary and Minister Plenipotentiary of the United States at St. Petersburg, to Mr. Adams, Secretary of State. February, 27, 1817.

SIR,—Notwithstanding the explicitness of my answer of the 30th of September of the last year, to the proposal contained in the note of the marquis di Circello of the 27th of the same month, I had scarcely quitted Naples when he sent after me his reply to my note of the 24th of August. The obstacles which, while I was present, threatened to retard that reply for many a week, and even for months, disappeared with a marvellous rapidity after I had departed; for the reply passed me on the road to St. Petersburg, and arrived there long before me.

The Neapolitan minister at this court, (to whom it was forwarded by the marquis di Circello for the purpose of being delivered to me) manifested immediately upon my arrival here, a very anxious desire that I should receive it. He even *entreated* me to do so with such earnestness as it was not easy to resist. I refused however, to have any thing to do with his packet, and assigned as my rea-

sons, that I had ceased to have any right to meddle with the subjects of my late mission to his government; that the marquis di Circello was distinctly told by me, when I found that I must leave Naples without an answer to my note, that I would not continue to correspond with him upon the claim which it preferred, unless I should be instructed to do so by my government, and that he could not but know, without the help of any body's information, that it was impossible that I should so soon be in possession of such instructions, even if the President approved of that course (as it was probable he would not) for the conclusion of my negotiation.

The duke proposed finally, to write me a letter, importing that he had the reply to my note, and that he wished me to take it. I assented to this, and the short correspondence, of which a copy is enclosed, was the consequence.

If I had been perfectly sure that the reply was a favourable one, and required no *further discussion*, (which indeed I did not understand it to be the intention of the Sicilian government to indulge me in) I would have received it. The celerity with which it had followed me, however, suggested the opposite presumption, and the duke's desultory conversations with me, as often as I met him, (in which he talked as the marquis di Circello was wont to do of the poverty of his master, &c.) did not weaken that presumption. Certain newspapers too, professing to speak from authority, had affected to *quote* the reply as a refusal, which had already been given to me. You will find a republication of one of those articles in the enclosed *Conservateur Impartial*, and will be satisfied that the Sicilian government, or its minister at Vienna, or St. Petersburg, has dictated the latter part of it.

Upon the whole, having lost my power to deal with the reply as its contents might require, and fearing it was not what it ought to be, I thought it my duty to insist upon the impropriety of sending it at this moment to me, (an impropriety for which the marquis di Circello could have no motive that I ought to sanction) and upon that ground to decline to take it. The duke has shown uneasiness at this course, and I am not sorry for it. His government is a good deal disturbed by our claim, and we hazard nothing (and may gain) by practising upon its anxiety within certain bounds, or even to any extent we think fit.

I have the honour to be, with very distinguished consideration, sir, your most obedient humble servant,
WILLIAM PINKNEY.

The Duke of Serra Capriola, to Mr. Pinkney. St. Petersburg, February 7-19, 1817.

SIR,—I have received from my court a note in answer to that addressed by your excellency to the marquis di Circello, on the 24th of August last, and which it was not possible to deliver you before your departure, on account of the information necessary to be taken relative to the business, with which you were charged by your government.

I have the honour to give you this information for the purpose of knowing if you are willing to receive it, and take your arrangements for that purpose.

In the meanwhile, be pleased to receive the assurances of the very distinguished consideration, with which I have the honour to be, &c.

THE DUKE OF SERRA CAPRIOLA.

Mr. Pinkney's Answer to the foregoing. St. Petersburg, February 20, 1817, N. S.

SIR,—It would have been particularly agreeable to me to obtain, during the continuance of my functions as the envoy extraordinary of the United States, at Naples, while I might regularly have taken and acted upon it, an answer to the note, which in that character I addressed to the marquis di Circello, on the 24th of August, of the last year, and I certainly spared no efforts for that purpose.

I found it impracticable, however, after the importunity of many weeks, to obtain either an answer or the designation of any precise time within which I might be authorized to expect one; and, as my ulterior duties here would not suffer me to wait at Naples for the issue of inquiries and deliberations, of which avowedly the term could not be foreseen, even by those who were engaged in them, I was compelled to leave unsettled the subject of my note, and to put an end to my mission.

My power to correspond with the government of the king of the Two Sicilies upon that subject, or otherwise to assume an agency in it, has consequently ceased, and can only be revived by the President of the United States, from whom I derived it originally, and to whom I have rendered an account of the use which I was able to make

of it. Whether it will be his pleasure to renew it in any degree, or in what other way he will think it proper to deal with the subject, I have no means of knowing. I know only that he has yet given me no orders upon it, and that there has not been time for such orders.

The marquis di Circello must be prepared for this answer to your excellency's letter to me of the 19th instant, if he does me the honour to preserve any recollection of my note to him of the 30th of September last, of which (as well as of his note to me of the 27th of the same month) I shall be very willing to give you a copy, if you desire it. I have the honour to be, &c.

WILLIAM PINKNEY.

The Duke of Serra Capriola to Mr. Pinkney. St. Petersburg, Feb. 9—21, 1817.

SIR,—I received yesterday the letter by which your excellency has been pleased to reply to that which I addressed to you on the 7--19th of this month, stating the reasons by which you consider yourself no longer authorized to receive the note in answer to it, transmitted to me by the minister of his majesty the king, my master.

Your excellency will readily conceive how unpleasant and painful it must have been to the king not to have been able to cause an answer to be given to your note of the 24th of August last, during your mission at Naples; but you are aware, sir, that that answer must necessarily have been founded on documents and proofs not easily procured, inasmuch as the transaction in discussion took place under a government foreign to the existing one. If this delay was painful to the king and to his ministry, how much more will it not be, on seeing the answer again impeded. I consider it therefore my duty, sir, to engage you to receive the packet I am charged with, at least for the purpose of transmitting it to your government. By this means you will satisfy the wishes of my government, and make the President of the United States acquainted with the well founded arguments which might accelerate the termination of this affair.

Availing myself of the offer you have made me, sir, I have to request you would be pleased to favour me with a copy of the marquis of Circello's letter, and of your answer of the 30th September. You will thereby greatly oblige me, sir, and in thus tendering you my acknowledgments for it, I seize the present occasion of renewing to

you the assurances of the very distinguished consideration, with which I have the honour to be, &c.

THE DUKE OF SERRA CAPRIOLA.

Mr. Pinkney's Reply to the foregoing. St. Petersburg, Feb. 21, 1817, N. S.

SIR,—It would really give me sincere pleasure to be able to conform to the wish, which your excellency presses upon me with so much earnestness; but I feel insurmountable repugnance, arising out of what I believe to be a correct sense of my duty, to giving any sanction to the making of a communication to me, as if I were still the accredited envoy of the United States at Naples. I can have no difficulty, however, in consenting to forward to the Secretary of State of the United States, any thing which by order of your court, you may think fit to address to him.

What may be the nature of the packet which has followed me from Naples, I do not know, and do not desire to know, farther than that it is in answer to a note written by me in an official character, which I no longer possess. I have the utmost confidence, indeed, that it proposes a fair indemnity to our plundered merchants, not only with reference to that part of the spoil, which (not having been sold by Murat) has passed into the hands of his majesty the king of the Two Sicilies, and is now in his possession, but with reference also to that larger portion of it, which was converted into money. But let it propose what it may, it is not to me that it should address itself, at least until my government is known to have given me such instructions, (which it has not yet had time to give, even if it be disposed to adopt that course,) as may justify me in receiving it, and in acting upon it, as its contents may require.

The copies which you desire are herewith enclosed. They will satisfy you that the marquis di Circello ought to anticipate the answer, which I now repeat to your application. I have the honour to be, &c.

WILLIAM PINKNEY.

Extract of a Letter from Mr. Gallatin, Envoy Extraordinary and Minister Plenipotentiary of the United States, at Paris, to Mr. Monroe, Secretary of State, dated Paris, Nov. 19, 1816.

“I RECEIVED on the 16th instant, a note from the Neapolitan ambassador, enclosing, by order of his court, the

copy of an official note, dated 15th October last, and addressed by the marquis di Circello, to Mr. Pinkney, after his departure from Naples. In answer to a verbal inquiry, the ambassador told me, that he did not know whether that note had been directed to Mr. Pinkney, at St. Petersburg, or at any other place on the road. He also said that his government had authorized him to add to that communication to me any farther observations, which he might deem proper, but that he had abstained from it, knowing that neither he nor myself had any powers on that subject, and wishing therefore to avoid an unprofitable discussion.

“It may be presumed, that the Neapolitan government delayed that note, in order to prevent the possibility of a reply; and that their intention in communicating it to me, was to hasten its transmission to you. Copies of the official note itself, and of that of the ambassador to me, are enclosed.”

Paris, Nov. 15, 1816.

THE undersigned ambassador extraordinary of his majesty the king of the Two Sicilies, has the honour to transmit by order of his court, to Mr. Gallatin, envoy extraordinary and minister plenipotentiary of the United States of America, copy of an official note, addressed by the marquis di Circello, minister and Secretary of State of his said majesty, to Mr. Pinkney, envoy extraordinary and minister plenipotentiary of the United States, in answer to his note of the 24th of August last, on the subject of certain American vessels confiscated in 1809, by Murat.

The undersigned avails himself of this occasion to renew to Mr. Gallatin the assurances of his high consideration.

CASTELCICALA.

The Marquis of Circello, Minister of Foreign Affairs, at Naples, to Mr. Pinkney, Special Minister of the United States. Naples, Oct. 15, 1816.

ALTHOUGH the government of his majesty, the king of the Two Sicilies, was, from the first moment, in a situation to judge of the validity of the remonstrance and demands made by his excellency Mr. Pinkney, envoy extraordinary of the United States of America, in his note of the 24th August last, nevertheless, wishing to examine and discuss them under all their aspects of right and of fact, it has waited accordingly, until all the materials and lights were collected, proper to this end.

The many difficulties attending the search after those materials, owing to the change in the order of things, during which the facts occurred that have given rise to the demands of Mr. Pinkney, rendered it impossible for the royal government to reply to the note of his excellency before his departure from Naples.

Now, that the papers and appropriate inquiries have shed the strongest light upon the affair in question, the undersigned, counsellor and secretary of state, minister of foreign affairs of his majesty the king of the Two Sicilies, hastens to give, by order of his sovereign, the following reply to Mr. Pinkney, requesting his excellency to be pleased to communicate it to his government.

All the arguments contained in the note of the 24th August, look to the end of making his majesty's government responsible for the consequences of the confiscation and sale, whether just or unjust, of several American vessels and cargoes, which took place in Naples, while the kingdom was held by Murat.

In support of this pretension, it is assumed, that the abuse of power and violation of good faith, by which these arbitrary acts were committed, are of such a nature as to survive the political authority of the author of them, and that of course, as there accrued a right of reclamation against the government of Murat, there exists one also against the present government of the Two Sicilies.

His excellency adds, that although the American claimants have not the means of ascertaining to what uses the produce of the above mentioned sales was applied, yet, they may presume, that it was expended in works and objects of publick utility, or left in the publick coffers, and therefore affirms, that under this point of view, likewise, his majesty's government is bound to indemnify the victims of the spoliations committed during the ascendancy of Murat.

Without undertaking to inquire, whether a sort of succession or inheritance, in legitimate and illegitimate governments, can be maintained upon good grounds, the undersigned will be content to remark, that whatever may be the opinion of publicists as to this point, no one has ever pretended to visit the injustice of the contracts or deeds of usurpers upon the people, subjected to their yoke, or upon the legitimate sovereigns.

That theory would, indeed, be a disconsolate one, which

should extend the power of an enemy, not only to the consequences of fact, but even to those of right. The victory which restored the legitimate prince, would be fatal to both, if it must have the effect of making him responsible for the acts of injustice and violence which the usurper might have perpetrated against foreign nations.

It avails not to say, that these are of the description of obligations and engagements which survive the overthrow of the usurped dominion, as common to the nation over which that dominion was exercised. This would be the place to determine, whether we could reasonably qualify, as an obligation, an engagement from government to government, or nation to nation, a mere right of reclamation, which, according to the obligation of Mr. Pinkney himself, the United States kept in reserve, to be exercised with Murat, had not his power been subverted.

But the undersigned will simply ask his excellency, if that very right is not to be regarded as null, seeing that the continual, strong, vehement demands, officially made by the consul general of the United States, at Naples, upon the minister of Murat, for the restitution of the confiscated vessels and cargoes, or compensation to the American owners, were rejected, or remained without a reply? However this may be, it is always incontestable, that it is not against the actual government of his majesty, that a right to which, he, who created it, would not hearken, can be tried, as it were, in the nature of an appeal.

It is among the principles of reason and justice, that a sovereign, who never ceased to be in a state of war with the usurper of his dominions, and who, very far from having afforded grounds for presuming that his rights were waved, as is asserted in the note of the 24th August, carried into effect, in concert with his ally, England, a powerful expedition in the islands of Procida and Ischia, nearest to the capitol of his usurped kingdom, in the year 1809, precisely that in which the confiscation of the American ships at Naples took place. It is among the principles of reason and justice, that he should not be, on regaining his dominions in process of the war which had compelled him to absent himself from them, held responsible for the excesses of his enemy.

Let then the relations of the usurper, with the powers friendly or allied to France, have been what they may, the inferences which the American merchants may have drawn

from them, in relation to the prosecution of their trade at Naples, should not be made to recoil upon the treasury of a sovereign, who, not only did not show any, the least acquiescence in the usurpation; but did all that was in his power, and all that circumstances would permit to vindicate his abused rights. There is still less foundation for the arguments brought forward in the note of the 24th August, to prove that the Neapolitan nation was, in some sort, a party to the measures, by which the Americans suffered, and therefore liable, in *solidum*, for the consequences.

If the inhabitants of the kingdom of Naples could only have signified their wishes, these would undoubtedly have been for the maintenance of relations of justice and friendship with the Americans, the only nation, which, by means of its neutrality, might provide a vent for the commodities accumulated through so many years in the kingdom, under the operation of the noted continental system of ruinous memory,

But every body knows that the Neapolitan nation, prostrated by a foreign domination, was but the mournful spectator and first victim of the arbitrary acts which were daily committed: so far, then, from being able to indemnify others, it would be exceedingly fortunate if she could find means of compensating herself for the losses and immense injuries which she sustained during the occupation of the kingdom.

These considerations would be more than sufficient to prove, that the claims of the American merchants cannot reach either the actual government of his majesty or his people.

But to make the demonstration complete, and to exhibit the question under all its aspects, the undersigned will admit, for a moment, the absurd hypothesis, that the present government of Naples stands in the place of that of Murat, and has succeeded to all his obligations.

The demand of Mr. Pinkney would not be, on this account, the less unsustainable, since the confiscation and sale of the American vessels and cargoes, were acts which proceeded directly from the power and from the will of Bonaparte. There exists, in fact, in the archives of the treasury, a report of the minister, Agar, who presided over that department in 1809, addressed to Murat, who was then at Paris.

The minister relates in this report, that two American ships had arrived at Naples, one from Salem, the other, last from Algiers, laden with colonial produce. And that the necessary orders had been given to put the same under sequestration, conformably to the directions antecedently issued from higher authority, with respect to the other vessels arrived at Naples, before the departure of Murat for Paris.

He proceeds then to point out the great benefit which the treasury would derive from opening the market to the colonial produce lying on board those ships, or in the custom-house of Naples, by the duties which would be collected upon the sale of it, and upon the export of the oils which the Americans would take as return cargoes.

The minister remarks, in fine, that the confiscation itself of the American vessels and cargoes was but an inconsiderable resource, compared with the very great advantage which would have resulted to the treasury from an active American trade, could it have been tolerated in the ports of the kingdom.

Murat did not deem himself authorized to decide in any way, and submitted the report to his brother-in-law, Napoleon, who decreed, in margin, that the vessels and cargoes in question should be confiscated, because the embargo laid in the ports of the United States, induced him to believe that the produce must be British property, and its introduction into the continent a breach, therefore, of the two famous Berlin and Milan decrees.

On the disclosure of this decision of Bonaparte in Naples, it was ordered, also, that the proceeds of the sales should not be paid over to the treasury of the state, but that a separate and special account should be opened for them, which was done accordingly. In order to understand well this distinction, and to be able to draw from it the consequences applicable to the case, it is useful to note, that during the military occupation of the kingdom, there existed a treasury, so called, destined to receive the publick revenues, and defray the publick charges; and, as among the latter, the support of the luxurious household of Murat was not the least onerous, accordingly, the sums allotted to this purpose, were paid into the hands of a particular treasurer, who disposed of them as his master directed.

Besides this particular chest, into which, moreover, all

the proceeds of the private domain were emptied, Murat established another by the name of separate account or fund, (*conto a parte*,) as a receptacle for the sums arising from the sale of the vessels and cargoes confiscated in 1809 and 1812, and also for the profits of the licenses, which, in imitation of England and France, he sold to the vessels entering and leaving the ports of the kingdom. The new fund was always considered as appertaining to the extraordinary and private domain of Murat himself. An irrefragable proof of this may be offered. The 1st article of one of his decrees of 25th April, 1812, is conceived in the following terms: "The commission established by our decree of November 30th, 1811, for the purpose of liquidating the accounts of our royal household, is, in addition, charged with examining the accounts of the vessels sequestered in our ports, regarded by us as *the property of our extraordinary and private domain.*"

Besides, it is enough to read the account rendered, of the cashier of the separate fund, to know that the sums paid into it, were dissipated in largesses to the favourites of Murat, in marriage portions to some of his relatives, and in other licentious expenses of Murat, and of his wife, especially during their visit at Paris. It appears, moreover, that Murat, having anticipated, on said fund, a sum of two hundred thousand livres on account of the treasury, towards cost of the expedition with which, during several months, he menaced Sicily with an invasion from Calabria, the minister of the finances, lost no time in reimbursing the fund with proceeds of the publick taxes.

From the foregoing statement, two important and obvious consequences are to be drawn. The first is, that Murat only lent his name in the confiscation of American ships, as he did merely in all the other measures pursued in Naples, during the occupation of the kingdom. This was no mystery, nor could foreign nations be ignorant of it. Still less could they be unacquainted with the extent of the power which Bonaparte usurped, in order to give all possible latitude of effect to his decrees of Milan and Berlin, in the countries over which he exerted his fatal influence.

Obstinate in his fantasies, absolute in his will, he studied only to enlarge the sphere of his favourite plan. A mere remonstrance on this head, if Murat had allowed

himself to prefer one, would have cost the latter his crown. Holland furnished an incontestible example of this truth.

Murat, then, let it be repeated, was but the passive instrument of the will of Bonaparte, in the confiscation of the American ships, and if this could give birth to responsibility, such responsibility should no longer be imputed to the country over which he reigned, and still less to the government which has there resumed its lawful authority.

The other, and not less important consequence, is, that the treasury, which was the fund of the state, never enjoyed the proceeds of the confiscations, and that, instead of being employed to alleviate the burdens of the people, or applied to the improvement or embellishment of the country, as is supposed in the note of the 26th of August, those proceeds only served to feed the caprices, and the oriental pomp of the family of Murat, and his adherents.

After this rapid and faithful exposition of facts, the undersigned will not enter upon the inquiry, whether the American merchants would have been entitled to call for indemnity, if the power, which commanded and executed the confiscation of their property had, unfortunately, continued to flourish.

He will go no further than to remark to Mr. Pinkney, that such a call could not affect the actual government of his majesty, nor his people; and his excellency and his government are too enlightened and too impartial not to be fully convinced of this, now that they can dwell upon circumstances, which perhaps were not previously within their knowledge.

The undersigned renews to Mr. Pinkney, on this occasion, the assurance of his most distinguished consideration.

IL MARCHESE DI CIRCELLO.



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